The Works of James Buchanan

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THE WORKS
OF
JAMES BUCHANAN

Comprising his Speeches, State Papers,
and Private Correspondence

Collected and Edited
By
JOHN BASSETT MOORE

VOLUME IV
1838-1841

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THE WORKS

OF

JAMES BUCHANAN

TO MR. RHEINER ET AL.[1]

SENATE CHAMBER,
WASHINGTON, July 2, 1838.

GENTLEMEN: I thank you for the honor which you have bestowed upon me, by your invitation to celebrate the approaching anniversary of our independence, in company with the democratic citizens of the city and county of Philadelphia. I can assure you it would afford me very great pleasure to comply with your request. My public duties here, however, forbid me this gratification. Will you be good enough to present to the assembled company, in my name, the following sentiment:

David R. Porter: Firm, prudent, and practical. The democracy of Pennsylvania have shown their wisdom in selecting him for their candidate. He is now in the furnace of political persecution; but shielded by his integrity, he will come out pure gold on the second Tuesday in October.

Yours, very respectfully,

JAMES BUCHANAN.

TO MESSRS. RHEINER, THOMPSON, RUSH,
SNYDER, and others, committee.

[1] Niles' Register, July 28, 1838, vol. 54, p. 347. This letter was addressed to a committee on the Democratic celebration in Philadelphia of the Fourth of July. The letter was read at the meeting, and the committee adopted the following toast: "Hon. James Buchanan: Our talented, patriotic, and urbane senator; whether at home or abroad, ever the same firm and unflinching advocate of democratic principles and men, and of our country's dearest rights."

REPORT, JULY 4, 1838,

ON THE NORTHEASTERN BOUNDARY.[1]

In the Senate, July 4, 1838, Mr. Buchanan submitted the following

REPORT:

The Committee on Foreign Relations, to which was referred the "bill to provide for the surveying of the northeastern boundary line of the United States according to the provisions of the treaty of peace of seventeen hundred and eighty-three," have had the same under consideration, and now report:

That the first section of this bill directs "the President of the United States to cause the boundary line between the United States and the adjacent British provinces, from the source of the St. Croix river directly north to the highlands which divide the waters that fall into the Atlantic ocean from those which fall into the river St. Lawrence, thence along said highlands from the northwest angle of Nova Scotia to the northwesternmost head of the Connecticut river, as particularly defined in the treaty of peace concluded at Paris the third day of September, 1783, to be accurately surveyed and marked, and suitable monuments to be erected thereon, at such points as may be deemed necessary and important."

The second section provides for the appointment of a commissioner and surveyor by the President, by and with the advice and consent of the Senate, "who may employ such assistants, under the direction of the President, as shall be necessary, and who shall make an exact return of their proceedings to the President, with a correct map of the country over which said line passes, exhibiting the prominent points of its topography and the location of the marks and monuments by them made and erected."

The third and last section merely provides for the compensation of the commissioner and surveyor.

This bill, then, proposes that Congress shall create a commission, independently of Great Britain, to run and mark the northeastern boundary of the United States, conterminous with that of New Brunswick and Canada, provinces of the British empire. It asks no previous consent from Great Britain; it does

[1] S. Doc. 502, 25 Cong. 2 Sess. vol. VI.

not require that Great Britain should become a party to the survey; and yet that country has a common interest with the United States in the correct establishment of this boundary, according to the treaty. It would be premature and inexpedient, the committee believe, to resort to such a course of separate action towards a neighboring and friendly power, between which and the United States there is a reciprocal desire to maintain the most friendly relations, until every other means of amicably adjusting the dispute shall be exhausted. Before the committee could recommend the adoption of such a measure to the Senate, they ought to be satisfied, beyond a reasonable doubt, first, that the United States have a clear title to the disputed territory which would be embraced within their limits by the proposed survey; and, secondly, that no other and more friendly expedient remains untried of bringing this long pending controversy to a conclusion.

The committee will, therefore, proceed to consider the question under this two-fold aspect. And, first, in regard to our title.

This title depends altogether upon the correct construction of the definitive treaty of peace between the United States and his Britannic Majesty, concluded at Paris on the third day of September, one thousand seven hundred and eighty-three.

By the first article of this treaty, "His Britannic Majesty acknowledges the said United States, viz.: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the Government, propriety, and territorial rights of the same, and every part thereof."

The United States had declared their independence almost seven years previous to the date of the treaty. They had maintained this declaration before the world, and the treaty is not only a solemn recognition of that independence by Great Britain, but an express acknowledgment that she treated with them as free, sovereign and independent States. We were equals treating with an equal. Great Britain was not a superior assigning territory to an inferior. No superiority was claimed on the one side, or would have been acknowledged on the other. Great Britain then claimed no such prerogative as she now asserts, of assigning an appropriate boundary to the United States, as a new power,

formerly under her dominion. The treaty must, therefore, be construed as a solemn agreement entered into by one sovereign and independent nation with another, equally sovereign and independent.

It was not necessary expressly to have prescribed the limits of the United States by treaty. At its date, the boundaries of each of the thirteen States were well known. The first article acknowledged each of them to be sovereign and independent, and relinquished "all claim on the part of the British King to the Government, propriety, and territorial rights of the same, and every part thereof;" and this would have been sufficient.

The commissioners who framed the treaty were, however, not content with such a general recognition. Its second article proves their desire to prescribe the limits of our boundary in a manner so precise and specific, as forever to prevent all disputes upon the subject. The second article is as follows:

Art. 2. "*And that all disputes which might arise in future, on the subject of the boundaries of the United States, may be prevented,* it is hereby agreed and declared, that the following are, and shall be, their boundaries, viz.: *from the northwest angle of Nova Scotia,* viz.: that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river," &c. It is unnecessary, here, to repeat any more of the treaty description.

In every delineation of territory, the all-important point is to fix the place of beginning with the greatest possible precision and certainty. To prevent all dispute hereafter, this was done by the commissioners. "The northwest angle of Nova Scotia" was a well known point. This can be clearly established by the most authentic official documents, which, it will conclusively appear, from the highest intrinsic evidence, were before the commissioners at the time they formed the treaty. It is true that this point had never been fixed by actual survey, nor had it been marked by the erection of any monument; but that it could be found upon the ground at the intersection of two clearly defined lines was a mathematical truth, susceptible of demonstration. This northwest angle of Nova Scotia, which was notorious, although the very spot had not been ascertained, was fixed upon as the place of beginning of our boundary, in order to prevent all future

disputes; and yet, strange as it may appear, this is the very point now contested by the British Government. Whether with any good reason, it will be the task of the committee to inquire.

It is agreed by both parties that the map, called Mitchell's map, a copy of which is annexed to this report, was the one used by the commissioners at the formation of the treaty. It was published in 1755, and bears upon its face an official stamp; having been undertaken with the approbation and at the request of the Lords Commissioners for Trade and Plantations. Whoever may inspect this map will, at once, perceive the natural formation of that region. The river St. Lawrence runs from the southwest towards the northeast; whilst numerous tributaries rising in the highlands to the south of it, and, passing north through its valley, empty themselves into the main stream. These tributaries are all necessarily short; because the highlands from which they flow run at no great distance from the river, and in a parallel direction to it, throughout its whole course. From these highlands, on the south, proceed the head waters of the Connecticut, the Androscoggin, the Kennebec, the Penobscot, the St. John, and the Ristigouche, all flowing into the Atlantic ocean, through different bays. And here it may be observed, that there is not a single stream, which rises on the south side of these highlands, throughout this whole region, which does not first empty itself into some Atlantic bay; not one of them flows directly into the main ocean. Such is the natural formation: Highlands running in a parallel direction with the St. Lawrence, and dividing the streams which fall into that river on the north, from those which seek the Atlantic ocean in the south. In 1755, when Mitchell's map was published, the British possessions in North America did not extend north of the St. Lawrence. At that period, it will appear from the map that the northwest angle of Nova Scotia was to be found on the St. Lawrence, at the point intersected by the line running due north from the source of the St. Croix. This north line is distinctly marked upon the map. On the west of it, the words "New England" are printed in large letters, and on the east "Nova Scotia."

If this map were, alone, to be the guide, and if the place of beginning of our boundary, mentioned in the treaty, had been simply "the northwest angle of Nova Scotia" without further qualification, the State of Maine would have extended to the St. Lawrence. In what manner was this northwest angle of Nova Scotia brought as far south as the highlands separating

the streams which flow in opposite directions to the St. Lawrence and to the Atlantic? In February, 1763, Great Britain acquired Canada from France by treaty. Canada, New England, and Nova Scotia being then all subject to the British Crown, the King thought proper, in creating the province of Quebec, to extend its limits south of the St. Lawrence, so as to include the valley of that river. The reasons were obvious. Quebec, the seat of Government, was situate on its northern shore. It was one of the most important cities in North America, and the trade and business of the people along the numerous streams which flowed into the St. Lawrence from the highlands south of it, would naturally center there. Besides, it was obviously convenient that the limits of the different provinces should be regulated, as far as practicable, by the course of the river; and it would have been highly inconvenient that the valley south of the St. Lawrence, within sight of the capital of the province of Quebec, and necessarily having constant intercourse with the opposite shore, should continue attached to remote and distant Governments. The King, therefore, by his proclamation, dated on the 7th of October, 1763, declared that the Government of Quebec should be bounded, south of the St. Lawrence, by a line crossing that river and the Lake Champlain, in forty-five degrees of north latitude, and passing "along the highlands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea, and also along the north coast of the Bay des Chaleurs and the coast of the Gulf of St. Lawrence, to Cape Rosiers." Thus the province of Quebec was extended south, so as to include the vale of the St. Lawrence, and its southern line was fixed along the highlands from whence its tributaries flow. New England and Nova Scotia were deprived of thus much of their former territory; but they still retained all that portion of it watered by streams whose sources were on the south side of these highlands, and which emptied themselves into the sea. This was a natural and proper division. After the date of this proclamation, where was "the northwest angle of Nova Scotia" to be found? Can doubt or difficulty rest upon this question? We must look for it on the line running north from the source of the St. Croix, at the point where this line intersects the southern line of the province of Quebec, "running along the highlands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea." This point is, and necessarily must be, the northwest angle of Nova Scotia. It

is demonstration itself. To run these two well-described lines upon the face of the earth, is to ascertain that angle. The commissioners, therefore, who formed the treaty, well and wisely placed the beginning of our boundary at a point which could be rendered absolutely certain, by merely running these two lines. Those who choose to examine Mitchell's map will find that the due north line marked upon it from the source of the St. Croix, crosses the southern line of the province of Quebec, in these dividing highlands, about the forty-eighth degree of north latitude.

But the British Government deemed it proper to fix the boundaries of the province of Quebec, even with more solemnity than by royal proclamation. This was done by an act of Parliament passed in the year 1774, "for making more effectual provision for the Government of the province of Quebec, in North America." By this act, the separating boundary between the province on the north, and Nova Scotia and New England on the south, were still more clearly and distinctly defined than it had been in the proclamation.

The following language is employed, to wit: "bounded on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea, to a point in forty-five degrees of northern latitude on the eastern bank of the river Connecticut." In both the proclamation and the act of Parliament, the dividing highlands are described in the very same language: "The highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea." The termini of the boundary are more precisely fixed by the act of Parliament than by the proclamation. This act makes the southern point of the line commence on the eastern bank of the river Connecticut, in latitude forty-five, and terminate at the Bay of Chaleurs. Its extremities are two well known natural objects. This bay is in latitude about forty-eight. The act of Parliament seems to have been prepared with great deliberation. It was intended to fix the boundaries between vast provinces of the same empire; and no act of legislation demands greater care and attention. The Bay of Chaleurs on the north, in latitude forty-eight, and a point on the Connecticut, in latitude forty-five at the south, were to be the two extremities; and the intermediate line was to pass along the highlands running between these two points, which divide the rivers that empty them-

selves into the St. Lawrence on the one side, from those falling into the sea upon the other. After this act of Parliament, is it possible to conceive of a more extraordinary pretension, than it would have been in the Government of Quebec to have claimed jurisdiction, not only to these dividing highlands whence streams flow into the St. Lawrence, but a hundred miles south and east of them, embracing a region of country watered by a large river, the St. John, and its numerous tributaries flowing into the sea? Such a claim would have broken down the barriers between these provinces, erected with so much care by the act of Parliament, and made rivers running north into the St. Lawrence, mean the same thing as rivers running south into the ocean. And yet the present attempt of the British Government to make Mars hill the northwest angle of Nova Scotia rests upon no other or better principle, as will be shown hereafter.

The commissions of the different Governors of Quebec, in describing the boundaries of their jurisdiction, followed the language of the proclamation of 1763, until after the passage of the act of Parliament in 1774. The first commission which subsequently issued was to Guy Carlton, Esq., in the same year, and it adopts the language of that act. The southern limits of his jurisdiction are described in its language to be "a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river Connecticut." Thus the province had for its northern boundary highlands dividing streams running in opposite directions between a bay, and a fixed point on the river. Was ever boundary better defined?

It would be a waste of time to recite the numerous commissions which have issued to the Governors of Quebec, of Nova Scotia, and after this province was divided, in 1784, of New Brunswick; all speaking the same language. The western limit of Nova Scotia, and afterwards of New Brunswick, is uniformly described to run from that point where a line drawn due north from the source of the river St. Croix would intersect the southern boundary of Quebec, and from thence "to the northward by the said boundary as far as the western extremity of the Bay des Chaleurs." These commissions place the natural construction upon one expression, which, in the act of Parliament, at first view, might appear vague. In it the Bay of Chaleurs is mentioned generally, without a special reference to any particular

part of it, though from the whole context the evident meaning was, the western extremity of that bay. The commissions to the Governors of Nova Scotia, and afterwards New Brunswick, render this certain, by specifying "the western extremity of the Bay des Chaleurs."

Enough has already been shown to fix with precision what was the acknowledged southern boundary of the province of Quebec at the date of the treaty in 1783, and what it has remained ever since. It was then clearly known to have been a line from the western extremity of the Bay of Chaleurs, to a point on the eastern bank of the Connecticut, in latitude forty-five, and running along the highlands dividing the tributaries of the St. Lawrence, from the sources of streams flowing into the sea. Where, then, was the northwest angle of Nova Scotia known to be at the date of the treaty?

Without going back to the creation of this province, in 1621, by James the First, which the committee deem unnecessary, though it would add strength to the argument, they will content themselves with a reference to the first commission which was issued to the Governor of Nova Scotia, after the date of the proclamation of 1763. Before the proclamation, this province, as well as New England, had extended north to the St. Lawrence. After its date, it was necessary to make the commissions of the Governors correspond with the extension of the province of Quebec south of that river. Accordingly, the royal commission to Montague Wilmot, Esq., bearing date the 21st November, 1763, limits and restrains the province of Nova Scotia, thus: *"To the northward our said province shall be bounded by the southern boundary of our province of Quebec as far as the western extremity of the Bay des Chaleurs;"* and again, to the westward "it shall be bounded by a line drawn from Cape Sable, across the entrance of the Bay of Fundy, to the mouth of the river St. Croix, *by the said river to its source, and by a line drawn due north from thence to the southern boundary of our colony of Quebec."* The next commission which issued to Lord William Campbell, on the 11th August, 1765, changes this description only commencing with the western instead of the northern line, thus: "On the westward by a line drawn from Cape Sable across the entrance of the Bay of Fundy, to the mouth of the river St. Croix, *by the said river to its source, and by a line drawn due north from thence to the southern boundary of our Colony of Quebec*, to the northward by the said boundary as

far as the western extremity of the Bay des Chaleurs." In every commission which has issued since to all the Governors of Nova Scotia, and afterwards of New Brunswick, the same identical language has been used. On the 29th of July, 1782, but four months previous to the conclusion of the provincial treaty of peace with Great Britain, the commission granted to Governor Parr describes the limits of Nova Scotia in precisely the same manner. And here it may be proper to observe, that the St. Croix has since been ascertained by a joint commission of two Governments, and a monument has been erected at its source.

Were not, then, the commissioners who framed the treaty fully justified in the conviction, that when they established the point of beginning of the boundaries between the United States and Great Britain, at "the northwest angle of Nova Scotia," they were fixing it at a point long known and well established? To render assurance doubly certain, however, they describe where it is, in the very language which had been uniformly used by the British Government in proclamations, in acts of Parliament, and in numerous commissions to the Governors of Quebec and Nova Scotia. "The northwest angle of Nova Scotia," says the treaty, "is that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands." To what highlands? The treaty answers, "the highlands which divide those rivers that empty themselves in the river St. Lawrence, from those which fall into the Atlantic ocean." The northwest angle of Nova Scotia, then, is to be found in these highlands, at the point where the dividing due north line between New England and Nova Scotia, which commences at the source of the St. Croix, meets the southern boundary of the province of Quebec. The act of Parliament of 1774 was doubtless before the commissioners. They use its very language in the treaty: "Along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea." The only change of this language in the treaty is, that "the Atlantic ocean" is substituted for "the sea." Both are evidently intended to convey the same meaning. The solicitude of the commissioners to preserve this highland boundary throughout between the two nations is manifest. Under the act of Parliament, the southern extremity of this line is described to be "a point in forty-five degrees of northern latitude, on the eastern bank of the river Connecticut." In the treaty it is "the northwesternmost head of Connecticut river." From thence the treaty line

runs "down along the middle of that river, to the forty-fifth degree of north latitude."

Thus the British Government surrendered that small portion of the province of Quebec between the northwesternmost head of Connecticut river and the forty-fifth degree of north latitude, in order to have a continuous highland boundary, from the northwest angle of Nova Scotia to the source of the northwesternmost head of the Connecticut. To accomplish this object, a part of what had been taken from New England, when the province of Quebec was established in 1763, has been restored by the treaty. The great purpose was, that the entire line should consist of the highlands, "which," in the language of the treaty and the act of Parliament, "divide those rivers that empty themselves into the river St. Lawrence from those which fall into the sea" or "the Atlantic ocean."

The committee will now proceed to show what was the construction placed upon this treaty fifteen years after its ratification, by solemn official declarations of high and responsible agents of the British Government.

To render it more manifest that these declarations are wholly inconsistent with the present claim of Great Britain, it will be necessary first to show precisely the extent of that claim. It comprehends all that portion of the State of Maine which lies north of the red line marked upon the map No. 2, annexed to this report, and embraces about one-third of its whole territory. This line leaves the due north line from the source of the St. Croix, at the distance of forty miles from the monument there erected, and one hundred miles south of the northwest angle of Nova Scotia, marked A; and thence passes to the westward, not along highlands which divide the rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic ocean, according to the terms of the treaty, but along highlands dividing the rivers which flow into the St. John from those which fall into the Atlantic. These highlands are far south of the St. John; and if the British claim could be established, the whole of that river, from its source to its mouth, with all its branches, would be within British territory. Now, if it can be demonstrated that agents of high character, acting under the express authority of the British Government, several years after the date of the treaty, have expressly admitted, in their official arguments and correspondence, that this north line from the source of the St. Croix, not only crosses the St. John, but runs as far north

as the streams emptying into the Bay of Chaleurs, what ought to be thought of this recent pretension?

A short time after the conclusion of the treaty a question arose between the two Governments what river was intended by the St. Croix of the treaty. In order to determine this question, commissioners were appointed under the fifth article of the treaty of November, 1794, commonly called Jay's treaty. Ward Chipman, Esq., the agent of the British Government, contended that the true source of the St. Croix was at the head of the Scoudiac lakes, at the point marked W on the second map. In his argument in 1797, to establish this position, and to defeat the position taken by the United States, he expressly admits that "this north line (from the source of the St. Croix to the treaty highlands) must of necessity cross the river St. John." Admitting this fact, his leading purpose seems to have been to remove this line as far west as he could, so that it might cross the St. John at as great a distance from its mouth as possible, and thus embrace as much of its course as was attainable within British territory. In prosecuting his argument, he says, "but if a north line is traced from the source of the Cheputnatecook, (as insisted upon by the United States) *it will not only cross the river St. John, within about fifty miles from Fredericton, the metropolis of New Brunswick, but will cut off the sources of the rivers which fall into the Bay of Chaleurs, if not of many others, probably the Mirramichi among them, which fall in the Gulf of St. Lawrence.*" Thus it appears that, in 1797, the British Government had never thought of contending that the highlands of the treaty were to be found south of the St. John, or even south of the sources of the streams which empty into the Bay of Chaleurs.

Robert Liston, Esq., at the time of these proceedings, was his Britannic Majesty's minister to the United States. He was consulted by Mr. Chipman on the propriety of acceding to a proposition made to him by the agent of the United States. This proposition need not be stated. Mr. Liston, in his reply, dated at Providence, on the 23rd October, 1798, advises Mr. Chipman to accede to the proposition, because "it would give an addition of territory to the province of New Brunswick, *together with a greater extent of navigation on St. John river.*" The British Government now claim the whole river, and all its tributaries, from its source to its mouth.

The committee might here enumerate, if they deemed it necessary, the numerous maps of this region which were published

in England, between the proclamation of 1763 and the treaty of 1783, and subsequently until after the treaty of Ghent in 1814, embracing a period of more than half a century; in all of which, without a single exception known to the committee, the western line of the province of Nova Scotia, afterwards New Brunswick, crosses the river St. John, and the northwestern angle of Nova Scotia is placed north of that river.

Previous to the treaty of Ghent, the British Government had become convinced of the great importance of having a direct communication, within their own territory, between their provinces of Nova Scotia and New Brunswick, and the city of Quebec. It will be seen from an inspection of the map No. 2, that the territory of the State of Maine, now in dispute, intercepts this communication. It was one object of the British commissioners at Ghent, to obtain a cession of this territory. They did indeed make a faint and feeble suggestion that our title was doubtful; but it was not seriously urged. As the occasion was solemn and the object one of great importance, can any person suppose that if they had even entertained doubts where "the northwest angle of Nova Scotia" was to be found, they would not then have earnestly insisted on the pretension which they now so seriously maintain? From the date of the treaty of 1783, until the conferences at Ghent in 1814, during a period of more than thirty years, our title was unquestioned, as it still remains unquestionable.

In a protocol of August 8, 1814, the British commissioners stated the following as one among other subjects upon which it appeared to them that the discussions between themselves and the American commissioners would be likely to turn: "A revision of the boundary line between the British and American territories, with a view to prevent future uncertainty and dispute."

In a note of the British to the American commissioners of the same date, they specify more particularly what they mean by this general proposition; and in conclusion state, "If this can be adjusted, there will then remain for discussion the arrangement of the northwestern boundary between Lake Superior and the Mississippi; the free navigation of that river; *and such a variation of the line of frontier as may secure a direct communication between Quebec and Halifax.*"

It will be perceived that they do not propose to ascertain and fix a line previously agreed upon, by the treaty of 1783, but to vary that line in such a manner as to secure a direct communica-

tion between Halifax and Quebec. This was in substance a proposition to obtain a cession of territory, and was so considered by the American commissioners. Accordingly on the 24th August, 1814, they replied, that "*they had no authority to cede any part of the territory of the United States; and to no stipulation to that effect will they subscribe.*"

On the 4th September, 1814, the British commissioners observe, that they are unable to reconcile this declaration with the statement previously made by the American commissioners, "that they were instructed to treat for the revision of their boundary lines," "although the proposal left it open for them (the American commissioners) *to demand an equivalent for such cession either in frontier or otherwise.*"

They then proceed to insinuate the first doubt in regard to our title, in the following language: "The American plenipotentiaries must be aware that the boundary of the District of Maine has never been correctly ascertained; that the one asserted at present, by the American Government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British plenipotentiaries, who concluded the treaty of 1783; and that the greater part of the territory in question is actually unoccupied.

"The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question."

This note contains the first intimation ever made by Great Britain of any doubt as to the title of the United States to the disputed territory. The British commissioners first endeavor to obtain it by cession; and, failing in this attempt, they intimate, rather than assert, a claim to it.

This faint pretension was promptly repelled by the American commissioners in their note of September 9, 1814; and it is due to them that the committee should present their views in their own language:

> With regard to the cession of a part of the District of Maine, as to which the British plenipotentiaries are unable to reconcile the objections made by the undersigned with their previous declaration, they have the honor to observe that at the conference of the 8th ult. the British plenipotentiaries stated as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute; and that it was on the point thus stated, that the undersigned declared that they were provided with instructions from their

government; a declaration which did not imply that they were instructed to make any cession of territory in any quarter, or to agree to a revision of the line, or to any exchange of territory where no uncertainty or dispute existed. The undersigned perceive no uncertainty or matter of doubt in the treaty of 1783, with respect to that part of the boundary of the District of Maine which would be affected by the proposal of Great Britain on that subject. They never have understood that the British plenipotentiaries, who signed that treaty, had contemplated a boundary different from that fixed by the treaty, and which requires nothing more in order to be definitely ascertained, than to be surveyed in conformity with its provisions. This subject not having been a matter of uncertainty or dispute, the undersigned are not instructed upon it; and they can have no authority to cede any part of the State of Massachusetts, even for what the British Government might consider a fair equivalent.

Three subsequent notes, one from the British commissioners, dated 19th September, 1814, an answer from the American commissioners of the 26th September, and a reply from the British commissioners dated 8th October, seemed to have contained all the subsequent correspondence on this subject. In this last note, they declare that "the British Government never required that all that portion of the State of Massachusetts intervening between the province of New Brunswick and Quebec, should be ceded to Great Britain; but only that small portion of unsettled country which interrupts the communication between Quebec and Halifax, there being much doubt whether it does not already belong to Great Britain." Thus it appears that in 1814, Great Britain would gladly have accepted a small portion of the disputed territory by cession, and granted an equivalent therefor, either in frontier or otherwise; and yet, strange as it may seem, her claim has since grown to such a magnitude that she now demands the whole by right, under the treaty of 1783.

Our commissioners at Ghent, having successfully resisted every attempt for the dismemberment of Maine, agreed upon an article with the British commissioners, not to revise or change the ancient treaty boundary, but to run and establish upon the ground that very boundary, without any alteration, and to ascertain "the northwest angle of Nova Scotia," its place of beginning. This article is the fifth in the treaty. Under it, each party appointed a commissioner. These commissioners disagreed. According to the treaty the question was then referred to the King of the Netherlands, as umpire, whose award was rejected by the United States, because it did not profess to decide the controversy, according to the terms of the submission, but proposed a compromise, by a division of the disputed territory be-

tween the parties. Great Britain has also since announced her abandonment of this award; and now, at the end of more than half a century after the conclusion of the treaty of 1783, the question not only remains unsettled, but threatens to involve the two nations in a dangerous dispute.

The committee will now proceed to state the principles on which Great Britain rests her claim to the disputed territory, and to give them such an answer as in their judgment they merit. She contends, in the first place, that the northwest angle of Nova Scotia, mentioned in the treaty, is to be found at Mars hill, in the line due north from the monument at the source of the St. Croix, and forty miles distant from it; and that the highlands of the treaty are those running to the westward from that point, and dividing the sources of the streams flowing north into the St. John, and south into the Penobscot. A reference to map No. 2 will clearly show the extent of this claim.

Great Britain contends, in the second place, that, if this be not the true treaty line, it is impossible to find it; and then, the description of the treaty would become void for uncertainty; and that no mode remains of terminating the controversy, but by abandoning the treaty altogether and agreeing upon a conventional line.

The committee trust that a sufficient answer has already been given to this last proposition. They have endeavored, and they believe successfully, to prove that the northwest angle of Nova Scotia was a well-known point, capable of being easily ascertained, ever since the proclamation of 1763, by simply running a due north line from the source of the St. Croix, to intersect the southern line of the province of Quebec, which consists of the highlands running from the western extremity of the Bay of Chaleurs to the head of Connecticut river, and dividing those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean. It is certain as the laws of nature, that these highlands, from which we know that streams do flow in opposite directions, can be found on the face of the country.

In support of the first proposition, the Government of Great Britain contends that, as the eastern boundary of the United States runs "by a line to be drawn along the middle of the river St. Croix, *from its mouth in the Bay of Fundy*, to its source;" and as the St. John, though nowhere mentioned in the treaty, has its mouth also *in the Bay of Fundy*, that, therefore, the St. John

is not a river which falls into the Atlantic ocean, according to the description of the treaty. They assert, therefore, that, in looking for the highlands of the treaty, you must search for highlands south of the St. John. This brings them far south to Mars hill; and from thence, westwardly, along the highlands, marked in map No. 2, to the western boundary of the State of Maine, where they first reach the highlands which, as they contend, "divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean." The whole argument of the British Government, it will be perceived, rests upon the assumption that the St. John is not a river falling into the Atlantic ocean, because it has its mouth in the Bay of Fundy.

Now, what are the objections to this extraordinary pretension, as the committee are constrained to call it?

And, first, what is the Bay of Fundy, if it be not part of the Atlantic ocean? A bay is a mere opening of the main ocean into the land—a mere interruption of the uniformity of the seacoast by an indentation of water. These portions of the ocean have received the name of bays, solely to distinguish them from the remainder of the vast deep, to which they belong. Would it not be the merest special pleading, to contend that the Bay of Naples was not a portion of the Mediterranean, or that the Bay of Biscay was not a part of the Atlantic ocean?

Again: the description of the treaty is, "rivers which fall into the Atlantic ocean." Can it be said with any propriety, that a river does not fall into the Atlantic, because, in reaching the main ocean, it may pass through a bay? And yet this is the British argument. The Delaware does not fall into the Atlantic, because it flows into it through the Bay of Delaware; and, for the same reason, the St. John does not fall into the Atlantic, because it flows into it through the Bay of Fundy. The committee know not how to give a serious answer to such an argument. The bare statement of it is its best refutation.

But, like all such arguments, it proves too much. If it be correct, this portion of the treaty of 1783 is rendered absurd and suicidal; and the wise and distinguished statesmen by whom it was framed must be condemned by posterity for affixing their names to an instrument, in this particular, at least, absolutely void. Although they believed they would prevent "all disputes which might arise, in future, on the subject of the boundaries of the United States," by fixing their commencement at "the northwest angle of Nova Scotia," and running from thence along "the

highlands which divide those rivers which empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean," yet it is absolutely certain, that there was not a single river in that whole region of country which, according to the British construction, did fall into the Atlantic ocean. They all fall into bays, without one exception. Neither can we plead ignorance an excuse for these commissioners; because it is fully in proof, that they had Mitchell's map before them, from which the fact clearly appears. The Ristigouche does not fall into the Atlantic, because it has its mouth in the Bay of Chaleurs; nor does the Penobscot, because its mouth is in the Bay of Penobscot; nor do the Kennebeck and Androscoggin, because, after their junction, they fall into the Bay of Sagadahock. The same is true, even of the Connecticut, because it empties itself into Long Island Sound. All the rivers in that region are in the same condition with the St. John. Thus it appears, if the British argument be well founded, that the commissioners have concluded a treaty, and described highlands, whence streams proceed falling into the Atlantic, as a portion of the boundary of the United States, when, from the very face of the map before them, it is apparent no such streams exist.

There is another objection to the British claim, which is conclusive. Wherever the highlands of the treaty exist, they must be highlands from which on the north side streams proceed falling into the St. Lawrence. This portion of the description is as essential as that from their south side streams should issue falling into the Atlantic. Now the British claim abandons the former part of the description altogether. Their line of highlands commencing at Mars hill is at least a hundred miles south of the highlands whence the tributaries of the St. Lawrence flow. Between these highlands and those claimed by the British Government the broad valley of the St. John spreads itself, watered by the river of that name, and the streams which empty into it from the north and from the south. The two points on the western line of New Brunswick are distant from each other more than a hundred miles; and when you arrive at the British highlands, you find that they divide the sources of the St. John and the Penobscot, and not the sources of the streams falling into the St. Lawrence and the Atlantic ocean, according to the description of the treaty.

But, even suppose it were possible to prove that neither the St. John or any other river in that region falls into the Atlantic ocean, would this fact essentially benefit the British Government?

If this portion of the description should entirely fail, would it render the other portion void? Certainly not. It might be said that the commissioners were mistaken as to where the streams emptied themselves which flowed from the southern side of the treaty highlands; as to the existence of these highlands, there could be no mistake. They are the boundary; and the streams flowing from them are mere matters of description. Can they be sufficiently identified, independently of this mistake? If they can, the question is settled. Now, fortunately, on this subject, no doubt can exist. Two circumstances concur to identify them, about which it is not possible there can be a mistake. According to the act of Parliament of 1774, they constitute the southern line of the province of Quebec, between the western extremity of the Bay of Chaleurs, in latitude 48; and it is equally certain that from them, all along in regular succession, streams proceed falling into the St. Lawrence. A mistake in one part of a description of boundary has never been held to vitiate the whole, provided sufficient remains clearly to designate the intention of the parties.

But how is it possible ever to embrace Mars hill in the line of highlands running from the western extremity of the Bay of Chaleurs and forming the southern boundary of the province of Quebec? It is clear that in this, and this alone, the northwestern angle of Nova Scotia is to be found. Mars hill is one hundred miles directly south of this line. You cannot, by any possibility, embrace that hill in this range; unless you can prove that a hill in latitude $46\frac{1}{2}$ is part of a ridge directly north of it in latitude 48; and this, notwithstanding the whole valley of the St. John, from its southern to its northern extremity, intervenes between the two. The thing is impossible. Mars hill can never be made, by any human ingenuity, the northwest angle of Nova Scotia.

Particular emphasis has been placed by the British Government on the word "highlands," mentioned in the treaty; and comparisons have been made between the height of Mars hill and that of different parts of the highlands which divide the streams of the St. Lawrence from those of the Atlantic. Even in this they have failed; because it has been shown that the summits of the more elevated portions of the treaty highlands are considerably above that of Mars hill, the highest point of the ridge claimed by Great Britain. The committee, however, deem such a question to be wholly immaterial. When highlands are spoken of as dividing waters flowing in different directions, the meaning is

plain. From the very nature of things, they must exist and slope off in opposite directions; but whether they consist of table land, of mountains, or even of swamp, still if there be a height of land, from which streams flow down in different directions, this is sufficient. It is not their elevation, but their capacity to divide, which gives them their character.

It is strange that the mere incidental mention of the Bay of Fundy in the treaty, though not at all in connection with the St. John, which is not even named, should have been the foundation of the whole superstructure of the British argument. The reason why it was mentioned at all is obvious. It was palpably not for the purpose of creating a third class of rivers flowing into that bay, distinct from those flowing into the St. Lawrence and the Atlantic, as the British Government contend; but merely for the purpose of specifying with greater precision, the commencement of the eastern boundary of the United States. Several rivers in that portion of the country had borne the name of St. Croix; from the fact that the early French navigators, actuated by motives of piety, had planted a cross at their mouth when they were first discovered. Hence it was necessary, in specifying the beginning of our eastern boundary, to state that it was in the middle of that St. Croix which had its mouth *in the Bay of Fundy*. Notwithstanding this description, it has been seen, that which of these rivers was the true St. Croix became a subject of dispute between the two Governments. Still both parties were prevented from claiming that any river which did not flow into that bay was the St. Croix of the treaty.

The Bay of Fundy has been twice mentioned in the treaty. After starting at the northwest angle of Nova Scotia, and from thence sweeping round the boundaries of the United States to this bay, it was necessary to fix as precisely as possible the point at which our eastern boundary commenced. This was essential for a double purpose. In the first place it was the extreme northern point from which a line was to be run due east twenty leagues into the ocean, according to the treaty; within which space the United States were entitled to all the islands along their coast, except such as were within the limits of Nova Scotia; and, in the second place, it was the point from which our eastern line was to commence, and to run from the northwest angle of Nova Scotia.

Had the commissioners omitted to fix this point with as great precision as they could, they would have been guilty of culpable neglect. Having done so, and having mentioned the Bay of

Fundy as that part of the ocean in which the St. Croix has its mouth, the British Government have used it, not merely as it was intended, to mark the eastern boundary of the United States, but to render the whole treaty, so far as the northeastern boundary is concerned, absurd, uncertain, and void. Surely the commissioners never could have foreseen any such result. The language of this portion of the treaty is as follows:

> East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source, directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean; excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

Upon the whole, the committee do not entertain a doubt of the title of the United States to the whole of the disputed territory. They go further, and state that if the General Government be not both able and willing to protect the territory of each state inviolate, then it will have proved itself incapable of performing one of its first and highest duties. They feel an abiding reliance, however, in the inherent sense of justice of the British Government. As soon as that Government shall become convinced that the disputed territory belongs to the United States, which they persuade themselves will be the case at no distant day, impelled by a desire of preserving inviolate the faith of treaties, it will hasten to relinquish its pretensions. In that event the committee entertain not a doubt but that this long contested and dangerous question may be settled to the mutual satisfaction of both Governments.

The committee will now proceed to make a very few observations on the second question proposed for discussion, which was, does no other and friendly expedient remain untried of bringing this long pending controversy to a conclusion, than the passage of the bill which has been referred to them by the Senate? They are most happy to be able to answer this question in the affirmative. Anxious as they are to cultivate, by every honorable means in their power, the most friendly relations with Great Britain, it affords them sincere pleasure, that the existing state of the negotiations between the two countries will justify them in forbearing to recommend the adoption of any measure on the subject by the

Senate at its present session. Negotiation has not yet been exhausted. Although the committee are firmly convinced that the title of the United States to the territory in dispute is clear and unquestionable; although they acknowledge that the State of Maine has just reason to complain not only of the long and vexatious delay which has been experienced in settling this question, but of the assumption of actual jurisdiction by Great Britain over a portion of her territory, under circumstances well calculated, in some instances at least, to excite her sensibility, yet, from the known justice of that power, they still entertain a confident hope that the pending negotiation may be productive of the most happy results. The important preliminaries of a convention between the two Governments, for the purpose of exploring and surveying the disputed lines of the treaty boundary, have already been adjusted. In this state of the question, it seems to them not advisable to withdraw the subject from the Executive, to which it more properly belongs, and direct the boundaries to be surveyed, the lines to be marked, and monuments to be erected thereon, under the authority of Congress. In their opinion, therefore, the bill referred to them, "to provide for surveying the northeastern boundary line of the United States, according to the provisions of the treaty of peace of seventeen hundred and eighty-three," ought not to pass.

Entertaining this view of the whole subject, the committee unanimously recommend to the Senate the adoption of the following resolutions:

Resolved, That after a careful examination, and deliberate consideration of the whole controversy between the United States and Great Britain, relative to the northeastern boundary of the former, the Senate does not entertain a doubt of the entire practicability of running and marking that boundary, in strict conformity with the stipulations of the definitive treaty of peace of seventeen hundred and eighty-three; and it entertains a perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two powers.

Resolved, further, That considering that more than half a century has elapsed since the conclusion of that treaty; considering the extraordinary delay which has hitherto marked the negotiations and proceedings of the Governments of the two countries in their endeavor amicably to settle the controversy; and considering the danger of mutual irritation and collisions upon

the borders of the two kindred and friendly nations, from further procrastination, the Senate cannot forbear to express an earnest desire that the pending negotiation should be brought to a close, and the final decision of the dispute made, as early as practicable.

Resolved, That as it would be inexpedient for the United States to proceed, upon their separate authority, to survey and mark the northeastern boundary, until all reasonable means of effecting that object by the consent and concurrence of both parties shall have been exhausted, the "bill to provide for the surveying of the northeastern boundary line of the United States, according to the provisions of the treaty of peace of seventeen hundred and eighty-three," ought not to pass; and it is, therefore, ordered that it be laid upon the table.[1]

REMARKS, AUGUST 18, 1838,

ON THE ABOLITION OF SLAVERY.[2]

Mr. Buchanan said there was one subject of vital importance to the peace and perpetuity of the Union, which had not occupied much of the attention of the former speakers; and, therefore, he would make a few remarks upon it. He referred to abolition. Was Joseph Ritner an abolitionist? This was a most interesting question. If he were, then no friend to the existence of our glorious Union ought to vote in favor of his election as governor. He confessed, he had been astonished that the friends of Governor Ritner had denied this charge. He would do him the justice to say, that he never heard of his denying it himself. On the contrary, in April last, in his letter to the anti-slavery society of Pittsburg, he had boldly and manifestly re-affirmed the doctrines on this subject contained in his message of 1836. If this message, therefore, proves him to be an abolitionist, it will be vain

[1] The question having been put on the adoption of these resolutions, they were agreed to *nem. con.*; and, on motion, 20,000 additional copies of the report and resolutions were ordered to be printed. On March 1, 1839, the Senate unanimously ordered 50,000 copies to be printed. (Cong. Globe, 25 Cong. 2 Sess. VI. 496; S. Doc. 502, 25 Cong. 2 Sess. 1.)

[2] These remarks are reprinted in Niles' Register, October 6, 1838, from the Lancaster *Intelligencer*, where it is said: "The following is the substance of the remarks on the subject of abolition, made by Mr. Buchanan, at the great democratic meeting held in this city, on Saturday, the 18th August. Their publication has been rendered necessary by the misrepresentations to which they have already been subjected."

for any man to contend that he had not fairly presented himself in true abolition colors whilst he was a candidate.

In order to understand and justly appreciate the abolition doctrines of the governor's message of 1836, it will be necessary to take a hasty review of the causes which produced their open and solemn avowal. Upon examination, these will clearly appear to be, the defeat which the abolitionists had sustained at the session of Congress immediately preceding his message, and the necessity that the governor of Pennsylvania should come to the rescue of his associates.

Before the spirit of abolition had been conjured up from its dark abode by political fanatics and hot-headed enthusiasts, all was comparatively peaceful and tranquil in the southern states. Slavery had been most unfortunately introduced into these states by our British forefathers. It was there at the adoption of the federal constitution; and this constitution did not merely leave it there, but it expressly guaranteed to the slave-holding states their property in slaves, and the exclusive dominion over the question of slavery within their respective borders. Such is the clear language of the constitution itself; and such was the construction the first Congress placed upon it. Without this solemn constitutional compact, the southern states would never have been parties to the Union; and the blessings and benefits which it has conferred, and will confer, not only upon our own country, but the whole human race, would never have been realized. Those in the free states who determine to violate this compact must determine to dissolve the Union. The one is the necessary consequence of the other.

The southern people, before abolition commenced, reposing on their constitutional rights, had much, very much ameliorated the condition of their slaves. Education, and particularly religious education, was becoming common amongst them. In several of the states, the question of gradual emancipation had come to be freely discussed. The question had been seriously debated in Maryland, Virginia, Kentucky, and Missouri; and the doctrine had found numerous and talented advocates amongst the most distinguished men of these states. In Virginia the voice of the friends of gradual emancipation had been raised with power in her legislative halls, and had been almost successful. Another effort, and this ancient and powerful commonwealth might have followed the example of Pennsylvania, and have become a free state.

But the spirit of abolition has blighted the fair prospect, and has postponed for a long period, if not forever, the emancipation of the slave. Self-preservation, which is the first law of nature, and the fear of servile insurrection, with all its attendant horrors, have compelled the master to abridge the liberty and indulgence which he formerly granted to his slave. No sound of emancipation now greets the ear in any of the southern states. No man could be found there, at the present moment, sufficiently bold to attempt to raise the question in any legislative assembly. Such have been the direful effects of abolition upon the poor slaves themselves.

At the session of 1835–6—that session which immediately preceded Ritner's message—the question of abolition had occupied much of the time and attention of Congress. It had been discussed under every possible aspect. Petitions for the abolition of slavery in the District of Columbia, got up and circulated by the anti-slavery societies, poured into Congress from the free states. This was the only mode in which the abolitionists could agitate the question in Congress, because no fanatic, to Mr. B.'s knowledge, had been so mad as to contend that Congress had any power over slavery within the slave states themselves. Petitions to abolish slavery in the District of Columbia formed part of the grand scheme of agitation by which the abolitionists expected to accomplish their purposes. Throughout the spring, summer, and autumn of 1835, a combined attempt was made upon the southern states, not only by agitation in the north, but by scattering over the south, through the post office, and by travelling agents, the vilest publications and pictorial representations. He had himself seen many of them. Their natural tendency was to produce dissatisfaction and revolt among the slaves, and to incite their wild passions to vengeance. A servile insurrection would present a scene of horrors which he would not attempt to depict. It would spare neither age nor sex. What agony of mind must have been suffered—especially by the gentle sex—during this period of alarm! Many a mother clasped her infant to her bosom when she retired to rest, under dreadful apprehensions that she might be aroused from her slumbers by the savage yells of the slaves by whom she was surrounded. These were the works of the abolitionists. The motives of many of them may have been honest, but their zeal was without knowledge. The history of mankind affords numerous instances of ignorant enthusiasts, the purity of whose intentions could not be doubted,

who have spread devastation and bloodshed over the face of the earth. The abuse of the post office had become so alarming, that General Jackson, in eloquent and indignant language, called the special attention of Congress to it in his message of December, 1835, and recommended a remedy. "In connection," said he, "with these provisions in relation to the post office department, I must also invite your attention to the painful excitement produced in the south, by attempts to circulate through the mails inflammatory appeals to the slaves, and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war."

Under the influence of the feelings excited by these causes, the southern members of Congress reached Washington in December, 1835. Many of them, with sorrow and anguish of heart, declared, that if the southern states could not remain in the Union without having their domestic peace continually disturbed by the attempts of the abolitionists, the great law of self-preservation would compel them to separate from the north. Immediately after the commencement of the session, and throughout its continuance, the abolitionists, intent upon their object, sent immense numbers of petitions to Congress for the abolition of slavery in the District of Columbia, couched in language calculated to exasperate the southern members. What did they ask? That in the District ten miles square, ceded to Congress by two slave-holding states, and surrounded by them, slavery should be abolished. What would have resulted from granting their request? You would have thus established a citadel in the very heart of these states, upon a territory which they had granted to you for a different purpose, from which abolitionists and incendiaries could securely attack the peace and safety of their citizens. The District would have become a city of refuge within the slave-holding states for runaway slaves. You would have created, by law, a central magazine, from which trains of gunpowder might be securely laid, extending into the surrounding states, which might, at any moment, produce a fearful and destructive explosion. By passing such a law, you would have introduced the enemy into the very bosoms of these two states, and afforded him an excellent opportunity to produce a servile insurrection. Is there any reasonable man, who can for one moment suppose that Virginia and Maryland would have ceded the District of Columbia to the United States, if they had entertained the slightest idea that Congress would ever abuse it for any

such purpose? They ceded it for the use and convenience of the government of the United States, and to pervert this grant to the destruction of these two states, would be a violation of the most solemn faith. When slavery shall cease to exist under the laws of Virginia and Maryland, (and this, probably, might have been the case before very many years, had it not been for the efforts of the abolitionists,) then, and not till then, ought it to be abolished in the District of Columbia.

Impelled by these motives, the senate, upon his motion, after the petitions had been received, rejected the prayer of the petitioners by a vote of 34 to 6, and refused to abolish slavery in the District of Columbia. The two senators from Massachusetts, the two senators from Vermont, and one from Indiana, and one from Rhode Island, were all who voted in the negative. In the House these petitions shared the same fate. They were referred to a committee, a majority of which consisted of representatives from free states, of which Mr. Pinckney, of South Carolina, was chairman; an able, temperate, and judicious report was made, and a resolution was recommended, "That Congress ought not to interfere in any way with slavery in the District of Columbia." This resolution was adopted by a vote of 132 to 45.

Thus stood the question on the 4th of July, 1836, when Congress adjourned. The members of Congress from the slaveholding states, and their constituents, had a right to expect peace. The question had been fully discussed and deliberately decided by overwhelming majorities, and the south had reason to hope that the minority would acquiesce, at least for a season, in the will of the majority. Not so thought Joseph Ritner, the governor of Pennsylvania. In his message of December, 1836, after denouncing the democratic members of Congress from Pennsylvania for having abandoned the policy and interests of the state, from motives of subserviency to the executive of the nation, and after enumerating several particulars in which he alleges that they had thus violated their duty "at the nod of power," he adds, "Last, but worst of all, came the base bowing of the knee to the dark spirit of slavery." For what cause did the democratic representatives of this state—for what cause did my respected colleague (General McKean) merit this denunciation from the governor, if it were not for having resisted the efforts of the abolitionists, and having opposed the abolition of slavery in the District of Columbia? At the time, it was thus understood everywhere, both in and out of the state. Instead of sustaining

the character of Pennsylvania for devotion to the Union, and cheering on her representatives at Washington in the good cause which they had been advocating, he brands their support of it as a "base bowing of the knee to the dark spirit of slavery."

The abolitionists throughout the Union hailed this sentiment with delight, and Joseph Ritner has ever since been extolled in all their publications as one of their most distinguished advocates. It was but the other day that I observed it stated in a Pennsylvania paper that an abolition print in Pittsburg indignantly repelled the idea advanced by a whig press of that city that Joseph Ritner was not an abolitionist. Show me an abolitionist throughout the state, and I will show you a supporter of Governor Ritner.

And here I would ask, fellow-citizens, if it be possible to assign any other motive for introducing the subject, in December, 1836, into the governor's message, but to sustain and cheer on the anti-slavery societies and abolitionists, and encourage them not to relax their efforts, notwithstanding their then recent defeat in Congress? Why was it mentioned at all, if not for this purpose? The governor proceeds further in his message: Arkansas was about to become a state. Arkansas was south of the line fixed by the celebrated Missouri compromise, which saved the Union, within which slavery might exist. The people of Arkansas held slaves. The abolition petitions had prayed that no new state should be admitted into the Union where slavery existed. Joseph Ritner gave the abolitionists his aid by coming out boldly and strongly in his message against the admission of any new state into the Union where slavery was recognized.

He is equally explicit in urging the abolition of slavery in the District of Columbia. In his own language, opposition to the admission into the Union of new slave-holding states, and opposition to slavery in the District of Columbia, the very hearth and abode of the national honor, have ever been and are the cherished doctrines of our state. Let us, fellow-citizens, stand by and maintain them unshrinkingly and fearlessly.

It is very true, he admits that the free states have no power over the question of slavery in the slave-holding states; but had there been any fanatic so wild, before the date of his message, as to assert such a power? Not to my knowledge. On the contrary, this has always been admitted. How then was slavery to be abolished in the south? By the existence of anti-slavery societies in the north; by the efforts of the abolitionists to arouse

the indignant feelings of our citizens against our brethren in the south, because they were unfortunately born slave-holders—by making use of the post office "to scatter arrows, fire brands, and death" among the slaves themselves, calculated, if not intended, to incite them to insurrection; and by thus surrounding their masters with so many dangers as to force them to emancipate their slaves. Those who opposed this conduct, the direct tendency of which was to divide the Union, and to involve our brethren of the south in a servile war, were denounced as the enemies of free discussion, and as subservient souls, who would bow their knee to the dark spirit of slavery. Accordingly, we find Governor Ritner, in his message, repeating upon this subject what had been said a hundred times before in the abolition papers. "Above all," said he, "let us never yield up the right of free discussion of any evil which may arise in the land or any part of it—convinced that the moment we do so, the bond of union is broken." The right of free discussion certainly ought never to be surrendered. But a right is one thing and its abuse is another. It is certain we all have a right to discuss the question of slavery; but is it proper for us to organize ourselves into anti-slavery societies, and to exercise this right systematically, not for the purpose of doing any good at home, for, thank God! here slavery does not exist, but for that of spreading terror and alarm throughout the southern states, of distributing among the slaves themselves, through the mails and by private agents, vile publications and pictorial representations, calculated to produce servile insurrection, and thus to force their masters to emancipate them or abandon the Union? Suppose we should thus act towards a foreign government, would it not be just cause of war? And have we any greater right to interfere with the domestic institutions of Maryland and Virginia, than with those of Cuba?

When the message of Governor Ritner was received in Washington, in 1836, it was considered by all as an abolition message, and, as such, it produced an impression which I shall never forget. With the utmost anxiety depicted on the countenance of the inquirers, was I asked, over and over again, whether, in my opinion, it spoke the voice of Pennsylvania. The Keystone state, which had been the firmest bulwark of the Union, and had always respected the constitutional rights of her sister states, had embraced, so far as her governor could commit her, the creed, and had placed herself in the front rank of abolition. It remains for the people of this great commonwealth, at the next

election, to ratify or reject the doctrines of this message. I consider the question to be one of transcendent importance, involving in itself the fate of the Union, and all that is near and dear to the friends of constitutional liberty, not only here, but throughout the world.

Should Joseph Ritner be elected, the people of Pennsylvania will have declared, in a voice of thunder, that Florida shall not be admitted into the Union, because it will be a slave-holding state; that the question of abolishing slavery in the District of Columbia shall again and again be agitated, to disturb the repose of the Union; and that the doctrines of abolition, from which these are but emanations, shall be maintained, no matter what may be the fatal consequence. Whilst his election will be hailed as a victory by the abolitionists everywhere, it will be felt to the extremities of the Union as a most portentous omen of its dissolution.

I have studiously avoided producing any proofs that Joseph Ritner was an abolitionist, except from his own solemn message, the doctrines of which have been recently reiterated in his letter to the anti-slavery society of Pittsburg. It is true, I might have cited the efforts made by his political friends to obtain the hall of the legislature as a place of meeting for the abolition convention; the cordiality with which he received its members, and the spirit thus infused into them by his countenance and conversation; his preference for leading abolitionists, in making some of his most important appointments; and numerous other circumstances tending to establish the same fact. I have thought it best, however, to confine myself to his own official declarations. That he is sincerely an abolitionist, I do not doubt; and he deserves the merit of firmly adhering to his opinion, which would have been a great virtue in a good cause.

I might have also proceeded to illustrate the effects of the triumph of this doctrine. What would be your situation, fellow-citizens, if negroes were admitted to an equality of political and social rights with white men and white women? You have already had a foretaste of it in the scenes which were exhibited at Pennsylvania hall. The subject is too disgusting, and I recoil from it.

Go then to the polls, and by your votes in behalf of the democratic candidate, David R. Porter, declare to your sister States and to the world, that Pennsylvania will be again, as she had ever been before Governor Ritner's election, the strongest and firmest pillar of the Union.

TO MR. CALDWELL.[1]

Lancaster 27 September 1838.

My dear Sir/

I have this moment heard that you had recently expressed yourself in high terms in regard to Mr. Strohm & desired that he might continue to be your colleague in the Senate and hence it was inferred that you intend to vote for him at the approaching election. I took upon myself to say that this imputation upon your party fidelity could not possibly be true.

We are now straining every nerve to elect Mr. Reigart by all honorable means; and unless we are deceived in our information from York County, with a prospect of success. The Democracy of this city has become much exasperated against Mr. Strohm since they have learned the abuse which he has poured forth on General Porter at different Township meetings over the county and the desire he has manifested to propitiate Ritner & Stevens. You will observe that this spirit is running high from the last Lancaster Intelligencer. If it were supposed by our Democrats that you would either aid Strohm's election or vote for him, it would produce a very high state of excitement. Reigart is an honest, independent & excellent man who is personally, as well as politically popular wherever he is known; and we have set our hearts upon electing him, if that is possible.

I beg of you therefore to write me a line contradicting this slander, (I have no doubt it is one) by the earliest opportunity.

from your friend

James Buchanan.

James A. Caldwell Esq.

TO PRESIDENT VAN BUREN.[2]

Greensburg, Pa., 12 November, 1838.

Dear Sir,

A letter from Mr. Engle of Dubuque has been forwarded to me at this place, requesting that I should recommend his appointment to the vacant seat on the bench of the Supreme Court of

[1] Buchanan Papers, private collection.

[2] Van Buren MSS., Library of Congress.

Wisconsin. Such bad success attended my former ardent efforts in his behalf that I shall not repeat them further than to say, that in my opinion, Mr. Engle, both from constitutional temperament and legal learning and abilities, is well qualified to make a good judge; and that he is now and ever has been firm and faithful in the Democratic cause.

I regret to learn from Mr. Engle that Thomas M'Knight the Receiver of Public Monies at Dubuque, to use his own language, "*is a rank Whig*" and always has been. I know no man who is more openly and bitterly opposed to Gen: Jackson, Mr. Van Buren and to all the prominent friends and measures of the administration!

from your friend
very respectfully
JAMES BUCHANAN.

HIS EXCELLENCY
MARTIN VAN BUREN.

REMARKS, DECEMBER 18, 1838,

ON A PETITION AS TO RAIN-MAKING.[1]

Mr. Buchanan said that he had rather a strange petition to present to the Senate, but it came from a very respectable and scientific man; and however strange it might appear, it was vouched for by several of the most respectable literary gentlemen of the city of Philadelphia. The petitioner was Mr. James P. Espy, so deservedly celebrated for his knowledge of meteorology, who says that he has discovered the means of making it rain in a tract of country at a period when there would be no rain without the use of his process. Mr. Espy proposed to make the experiment at his own expense, and he proposed that Congress should pass an act engaging to reward him with a certain sum if he succeeded in making it rain in a tract of country ten miles square; a still higher sum if he produced rain in a tract of country of one thousand square miles; a still higher sum if he produced rain in a tract of five thousand square miles; and, lastly, to give him a still greater compensation if he should cause the Ohio river to be navigable all summer from Pittsburg to the Mississippi.

[1] Cong. Globe, 25 Cong. 3 Sess. VII. 41–42.

Mr. B. observed that he was perfectly acquainted with Mr. Espy, and knew him to be a very respectable man. He had no faith himself that the gentleman possessed the power he claimed; but it was true that there were several things in nature that philosophy had never yet dreamed of. Mr. B. then moved to refer the petition to the Committee on Agriculture.

Mr. Benton observed that the Senator from Pennsylvania, who introduced the petition, could not make the motion which he would make—that gentleman had felt himself bound to treat this petition seriously, and move for its reference to a committee. He would move that the petitioner have leave to withdraw his petition and papers, for reasons too obvious to require notice.

Mr. Buchanan said that he would rather that the course proposed by the Senator from Missouri should not be taken with the petition. He scarcely knew himself what to say about it; but he knew Mr. Espy to be a highly respectable and learned man, and knew that in the science of meteorology there was scarcely a man in the United States his superior. He hardly believed it to be in Mr. Espy's power to make it rain, though there were some six or seven of the most respectable literary gentlemen of the city of Philadelphia who expressed the opinion that he proceeded on highly philosophical principles. He hoped the Senator from Missouri would permit the petition to take the usual course, and go to a committee, and if that motion did not prevail, that it would at least be suffered to lie on the table.

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The question was then taken; and the motion to refer the petition was lost.

Mr. Buchanan then moved to lay it on the table; which motion was carried.

REMARKS, DECEMBER 18, 1838,

ON PENSIONS TO THE WIDOWS OF REVOLUTIONARY OFFICERS.[1]

Mr. Buchanan observed, that if he understood this amendment, he did not think that either the Senator from South Carolina, [Mr. Calhoun,] or the Senator from Missouri [Mr.

[1] Cong. Globe, 25 Cong. 3 Sess. VII. 44, 46.

Benton,] understood it. Unless he was mistaken, this was not a provision to pension men, but applied exclusively to old ladies widows of Revolutionary soldiers, and it was for them that thi provision was to be made. Now in any system of economy h did not think we ought to attack the old ladies first; and as th Government of the United States had pledged itself to mak them this payment, the amendment ought to pass. Whethe the act creating these pensions was right or wrong, he woul not undertake to say; but the law having been passed, we wer bound in good faith to carry it into effect. The first law passe in 1836 provided that if a lady had married a Revolutionar soldier before the term of his service expired, and had faith fully remained his widow ever since; that that widow, old helpless, and faithful to her first husband, ought to receive fron the bounty of the Government a sufficiency to preserve her fron want. He had no doubt but the pension system had been grossl abused, and that some persons were on the list who did no deserve to be there; but if he were going to put it down, he woul not for the first time violate the act of Congress by refusing t make the necessary appropriation to carry it into effect, as fa as the ladies were concerned, and at all events he would no begin with them. The law of the last session was extended so as to provide for those widows who were married up to Jan uary, 1794. He did not know whether he would have voted fo this law or not; but it had been passed; it was now on the statut book; the time of payment was drawing nigh, and an attempt was now made to withhold from these widows the pensions s promised them, by refusing to make the appropriation.

It had been objected that this bill was not the proper plac in which to insert the provision for these pensions. Now, wha was the appropriate sphere of an appropriation bill? Was i not to provide for carrying out the existing laws? and, if so, was there not here presented an existing law to be carried into effect? And did any body suppose that any appropriation bill could now be introduced and passed in sufficient time to provide for these pensions by the first of January, when the certificates for them become due? The time to contend against the principle involved was when the bill passed, and not now, when the faith of the Government was committed. With regard to economy, he was glad to hear the sentiments that had been expressed on all sides. Economy, however, was a matter of detail, and not of generals, since the most extravagant men he had known had preached the

best sermons in favor of economy. Now he, for his part, was prepared to act in detail, and resist these extravagant expenditures that had been so often referred to, one by one, whenever they should be proposed, though he should be charged with illiberality for so doing; but the last act of economy that he would practice, would be to withhold these pensions, after Congress had passed a solemn act declaring that it would provide for these widows who are now all near the grave, and make their old age comfortable. When the proper time came to examine into the pension list, he trusted that he would be willing to do that which economy as well as justice required. But he could not agree to make the case of these widows the first for the exercise of the former.

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Mr. Buchanan did not intend to go further into this question, but he rose to protest against its being admitted that this body was not competent to originate appropriation bills. He knew that, upon a very late occasion, when an attempt was made in that body to introduce a large appropriation in a House bill, that this question was raised, but he resisted the principle then. It was true that burthens laid on the people must originate in the House of Representatives, but after the money has gone into the Treasury it was giving up too much by the Senate to admit that they have no right to originate an appropriation of it.

Mr. Wright explained. He never doubted the right of the Senate, as claimed by the Senator from Pennsylvania; he only spoke of the practice.

Mr. Buchanan said that the question was of practice, and not of power; for, on that occasion, gentlemen were very ready to exercise the latter. Though it had not been the practice in that body, since he had been there, yet to appropriation bills of that nature, coming from the House, large appropriations had been added. If he were to admit that the Senate ought not to originate such bills, the case presented by the Senator from New Jersey ought to be an exception to the rule. As to those widows who were married between 1783 and 1794, he did not know whether he would have voted for them or not; but as the faith of the Government was to be redeemed, and there was a large amount of arrears due from the time of the passage of the act till now, he hoped the amendment would be adopted. He did not believe there was a Senator present who would vote against

the appropriation if it came up in a way he approved of. Eve the Senator from South Carolina admitted that the faith of th Government was pledged. As this was a proposition to carr into effect an existing law, he must vote in the affirmative; bu if it were not a proposition to carry into execution an existin law, he must consider that there was some force in the objection of gentlemen who had opposed it.

REMARKS, DECEMBER 19, 1838,

ON THE CONSTRUCTION OF STEAM MEN-OF-WAR.[1]

Mr. Buchanan said, that in perusing the late report of th Secretary of the Navy, he had been much pleased with its brevity as well as clearness. In one respect, however, he had been disap pointed, and that was that the Secretary had not alluded to a sub ject which now occupied much attention in both France and Eng land; he referred to steam vessels of war. If the accounts whic we had received from both these countries were to be credited these vessels must eventually, in a considerable degree, supersed all others in naval warfare. It would seem that the Government of these two countries entertained this opinion, as there appeare recently to have been an emulation between them which shoul construct and employ the greatest number of these vessels in th shortest time. Mr. B. did not profess to be a competent judg in this question; but it was one of such importance as to deman the serious consideration of those who were; and it was solel for the purpose of directing public attention, as well as that o the Committee on Naval Affairs, to this subject, that he ha offered the resolution. If steam ships of war should prove t be as efficient for attack and defence as they were represente to be, both in French and English publications, our country woul be placed in a most unfortunate condition in case of a war wit either of those two nations. We must advance as the worl advances; and it would be a signal disgrace that we, who wer the first successfully to apply steam in propelling commercia vessels, should suffer by being the last in using it on vessels o war. Mr. B. hoped, that if the Committee on Naval Affair should satisfy themselves of the utility of steam vessels for war

[1] Cong. Globe, 25 Cong. 3 Sess. VII. 48.

like purposes, we should not close this session, without providing for the construction of one or more of them. Even the most skilful officers of our navy would require much experience, he presumed, before they could become well qualified to command and manage a steam vessel. The French and the English were both, at this very moment, training their naval officers, in this important service, on board of such vessels.

Mr. B. then submitted the following resolution, which was read:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing for the construction of one or more steam vessels of war, and their employment in the naval service.

Mr. Benton observed that this subject of steam batteries was not a new one. It had been several years ago recommended to the consideration of Congress, by the Secretary of War, both in relation to coast and harbor defence; this report would be found among the detailed statements of the War Department. The report went into a description of the nature of the vessels recommended, as well as the situation of the coasts and harbors recommended to be defended by them.

Mr. Buchanan observed, that he never moved in any subject of this kind, without first obtaining all the information it possessed. He certainly was not ignorant of all that had been done by the War Department on the subject, but it was not coast and harbor defence only that his resolution contemplated, but it referred to the building of steam vessels of war to act on the ocean. It was for the purpose of calling the attention of the Naval Committee and the public to the subject that he had introduced in his resolution. What was the difficulty? Was not the object embraced in the resolution a proper subject of inquiry? All the scientific naval officers of the most powerful nations in the world, were not only turning their attention to the subject, but what was more, were training their officers to naval warfare in steam vessels. During the last summer he had received more than one dozen of publications made on the subject in Europe.

1839.

REMARKS, JANUARY 5, 1839,

ON THE ACCOMMODATION OF PRESS REPORTERS.[1]

Mr. Buchanan observed that he should vote for the motion of the Senator from Connecticut; and he would, with the permission of the Senate, briefly state the reasons which had brought him to this conclusion. For his own part, he could not say that he had any personal feelings in relation to these letter writers. He bore, with as much philosophic patience as any other gentleman, that portion of infliction with which they had thought proper to visit him; and he could not say that they had abused him more than he had reason to expect. He never was mortified but by one letter, and that had been written, he believed, to a Maine newspaper, in which he was represented to be a venerable old gentleman, apparently between sixty and seventy years of age. This, he acknowledged, had touched him upon a tender point.

If it were proposed to furnish seats to as many reporters for the different newspapers of the United States as could be accommodated in the whole of the front seat of the front gallery, he would vote for the proposition with all his heart. But, he would ask, who was a reporter? A reporter was a person who gave a faithful historical account of the proceedings of the body, with full reports or fair abstracts of the speeches of its different members, from which the public could be made acquainted with the nature of the business transacted. Were the letter writers reporters in this sense? Would any Senator contend that they were? No: they did not themselves pretend to be so. They gave partial and piquant accounts of such proceedings and debates as struck their own fancy; and having the same party feelings with the members of the body, they represented us in the light which would be most agreeable to the readers of the journals for which they were employed. Whilst the letter writer of one party was in raptures with the speech of a favorite Senator, and represented it as the very perfection of eloquence and argument, another letter writer of the opposite party denounced the very same speech as a poor, flimsy, frothy affair, which had been scattered to the winds by the breath of some Ajax Telamon on the

[1] Cong. Globe, 25 Cong. 3 Sess. VII. 101.

other side. Now it was notorious that these were the gentlemen, under the name of reporters, for whom seats were to be provided under the resolution then before the Senate. He thought they were not entitled to any such privilege, nor were their labors worthy of such a sanction by the Senate. He had nothing to say against them. Let them mingle with our respectable fellow-citizens who daily frequent the galleries, and let them write what they thought proper. Personally, he did not regard their censure. In the long run, the people always came to a correct conclusion in regard to the merits of public men, no matter how much they were misrepresented. The case of the Senator from Connecticut [Mr. Niles] was a striking example of the justice of this remark. The letter writers had done him no injury, although he had been caricatured to a greater degree than any member of the body. Indeed, he believed that these caricatures, instead of injuring, had elevated him in the public esteem. He thought he could appeal with confidence to all sides of the House, whether Whigs, Conservatives, or Democrats, for the truth of the assertion, that the Senator from Connecticut now stood higher, much higher, in the body itself, than he had done two years ago.

Mr. B. had on several former occasions stated that if the Senate expected to have full and faithful reports of their proceedings and debates, there was but one mode of accomplishing this purpose. They could not expect the editors of the Globe and Intelligencer to employ a sufficient number of skilful and experienced reporters, to present to the public every thing of importance that was said and done in the body. The patronage of these journals would not justify the expense; and in this respect they differed from the leading journals of London, in which you might read the next morning the whole debate of the preceding evening, in both Houses of Parliament. The few reporters employed by the Globe and Intelligencer had done their duty as well, and even better, than could have been expected; but if the Senate thought it desirable to communicate to the public a full and accurate account of their debates and proceedings, they must employ and pay a sufficient number of their own reporters and make them responsible to the body itself.

Under all the circumstances, he was in favor of leaving the rule as it now was, at least until the end of the present short session. If these gentlemen who asked for the accommodation were really reporters, he would cheerfully vote for the resolu-

tion; but as they were not, he would leave them to take their chance with other citizens of the United States, in the comfortable galleries of the Senate.

REMARKS, JANUARY 9, 1839,

ON THE TREATY WITH TEXAS.[1]

The bill from the House of Representatives to provide for carrying into effect the convention between Texas and the United States, and marking the boundary, coming up for consideration—

Mr. Buchanan said that it was necessary to pass this bill as early as possible. The season when operations should commence was near at hand, as the surveyors should be on the line by the 1st of March next. The bill is an exact transcript of the bill which was framed for carrying into effect the convention respecting the boundary line between this country and Mexico—Texas now standing in the place of Mexico. The bill had been shown to the members of the Committee on Foreign Affairs, who had unanimously approved of it, and acquiesced in the necessity of its immediate passage. It had, therefore, in fact, been referred to the committee and reported on, and he hoped it would be put upon its passage at once.

The bill was then read twice, and, by unanimous consent, ordered to be engrossed for a third reading, and passed.

REMARKS, JANUARY 9, 1839,

ON THE LAND BILL.[1]

Mr. Buchanan, after a few remarks, offered an amendment to limit the operations of the bill more strictly to actual settlers, by providing that patents shall not be issued for entries made under it until two years thereafter, when proof shall be made of the actual settlement, under such regulations as the Secretary of the Treasury shall prescribe; in default of which the entry shall be void, and the land revert to the United States.

This amendment was agreed to—ayes 21, noes not counted.

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[1] Cong. Globe, 25 Cong. 3 Sess. VII. 110.

Mr. Buchanan then offered a second amendment, to limit the quantity to be entered under the provisions of this bill, by each actual settler, to 320 acres; which amendment was also agreed to. After which,

Mr. B. offered another amendment, to limit the operations under this bill for five years after its passage and no longer, except for the purpose of granting patents to those who have made their entries, but have not had an opportunity of making their proof.

This amendment was also agreed to—ayes 25, noes not counted.

REMARKS, JANUARY 17, 1839,

ON THE SALE OF PUBLIC LANDS.[1]

On the amendment proposed by Mr. Clay of Kentucky, to reduce the price of the public lands which had been subject to private entry for fifteen years, in favor of actual settlers, in limited quantities, at 50, 75 and 100 cents per acre, and to distribute the proceeds of all the public lands among the several States, after the 1st day of July, 1840—

Mr. Buchanan said it was very far from his intention, on the present occasion, to follow the Senator from Kentucky [Mr. Clay] throughout the whole course of his argument. He had risen more for the purpose of defining his own position in relation to this question, than of attempting to enlighten the opinions of other Senators.

He could not help congratulating the country and the Senate that the Senator from Kentucky had just expressed his concurrence in opinion with the illustrious individual at the Hermitage, in regard to the propriety of selling small tracts of the public land to actual settlers at reduced prices. When two such high authorities united, he supposed the question might almost be considered as settled. The extremes had met in favor of this principle; and, in his opinion, a wiser, more just, or more politic principle in regard to the disposition of the public lands could not be established, provided it were confined within safe and proper limits. From his very first entrance into public life up till the present moment, he had ever entertained the opinion,

[1] Cong. Globe, 25 Cong. 3 Sess. VII. Appendix, 60–61. The bill here discussed was called the "Graduation Bill."

that the man who first went into the wilderness and felled the forest ought to be regarded with peculiar favor. Such a man, who, by the sweat of his brow, had provided a home for himself and his family, would rear up children endowed with the frank and manly virtues which were the firmest support of republican institutions. Whilst encouraging such actual settlers, we were acting in the best manner to promote our interest as proprietors of the public land. Every improvement made by an actual settler added value to all the surrounding lands, and enabled the Government to sell them the more speedily at the standard price.

Peculiar reasons now existed why we should encourage the settlement of the country on the extreme western limits of the States and Territory beyond the Mississippi. It had been our policy to remove all the Indians from the States, and settle them immediately beyond our extreme western frontier. *There* these warlike, restless and discontented savages were brought together in great numbers. Now what stronger barrier could we raise against their hostile incursions, than to people this frontier with a bold and hardy race of actual settlers, accustomed to the toils and perils of the remote wilderness? Such a population might prevent war, and if war should come, would save us the effusion of much human blood, and millions of money, in conducting it. The wisest nations of antiquity had always acted upon the same principle. It was the policy of the Romans to send military colonies to their frontiers, to be a barrier against the incursions of the barbarians.

Whilst these were his fixed convictions, he could not forget the interest of his own immediate constituents in the public lands; and if this bill proposed, as the bill of the last session had done, to graduate the price of the public lands in favor of all persons, it should again have encountered his opposition. But it was now strictly confined to actual settlers; and no actual settler could acquire a patent under it to more than half a section of land, and not even to that, until he had established, by clear proof, that he had settled, improved, and cultivated it, according to the terms and spirit of the law, although he was obliged to pay the purchase money in advance. In favor of such a settler, the bill reduced the price of that portion of the public land which had been in the market and remained unsold for more than five years, from $1.25 to $1 per acre; and such of this land as had remained unsold for more than ten years, to seventy-five cents

per acre. In order that we might fairly test the practical operation of this measure before we made it a permanent law of the land, the bill had been amended, on his motion, so as to limit it to the period of five years. Before the expiration of this term the subject would again be brought before Congress, and we could then act with all the lights of experience. He could not vote for the amendment proposed by the Senator from Kentucky, because he thought that it went too far, in reducing the price of any portion of the public lands to fifty cents per acre, although it might have been fifteen years in market without finding a purchaser. It was too long a stride to go down at once from one dollar and twenty-five cents to fifty cents per acre.

The bill, amended as it has been, will prevent fraud in the most effectual manner, because self interest will present no temptation to the commission of fraud. It had often been urged as an argument against the pre-emption system, that speculators under it hired individuals to become settlers upon lands before they were offered at public sale, that the choicest and most valuable tracts were granted to those individuals as actual settlers at the minimum price, instead of being exposed to public sale, and were then immediately conveyed to the speculators. He did not doubt that in some cases such had been the fact. In regard to the actual settlers for whom this bill provides, no such objection could exist. No speculator would be such a fool as to incur the expense of employing an individual to make an actual settlement on a tract of 320 acres of land, for the purpose of procuring it at one dollar per acre, and then wait for the title until the settlement had actually been made, when he could go at any moment to the land office, and obtain a title for it immediately, at $1.25 per acre. The difference of price would only be $80 on a half section, which had remained unsold for five years, and $160 if it had remained unsold for ten years. The cost of employing an individual to make a settlement would be greater, in either case, than the reduction of price. Besides, the speculator always pounces upon the best portions of the land immediately after it is brought into market. He seeks not the lands for which no person was found as a purchaser, during periods of five and ten years. This provision, then, will be almost exclusively confined to poor men, who are not able to pay the present prices for a quarter or a half quarter section of land, and who are willing to provide themselves a home upon the

less valuable public lands, at a small reduction from the present prices. It opens no door for speculation and fraud.

Now, sir, if we were to judge from the discussion upon this question, we might consider it one of vast importance, calculated in its consequences to shake the whole land system of the country; but view it as truth presents it, and we find it to be a very small affair. What is this land system as it at present exists? The public lands are surveyed, and are then exposed to public sale; but these sales have ever been so managed that they have brought but a fraction more than the minimum price of $1.25 per acre. After these public sales, all the residue of the land is subject to be entered at any time, by any individual, at $1.25 per acre; and there are now more than seventy millions of acres in this condition. The best lands are always the first selected; whilst their settlement and improvement give additional value to those which remain of an inferior quality. These inferior lands in succession come into demand, and are sold at the same rate. This progress, however, has been so slow, that notwithstanding the rage for speculation which existed for some years previous to the late suspension of specie payments, we still have on hand more than seventy millions of acres subject to private entry. This bill will only operate upon such of these lands as have been in market for five or for ten years, without finding a purchaser; and, in its present form, can produce but little effect, one way or the other, upon the public revenue.

On this land system, for a number of years past, the principle of pre-emption has been engrafted, which means nothing more than that the pioneers of civilization, who go into the wilderness in advance of the public sales, shall be permitted to purchase, in exclusion of all other people, the small tracts of land on which they have settled, at $1.25 per acre. In other words, that the speculators who attend the public sales shall not be permitted to purchase these poor men out of house and home, and thus convert to their own benefit the toil and the danger which they have endured, in erecting cabins and cultivating spots of ground beyond the limits of civilization, to shelter and support themselves and their families. This bill proposes to engraft another, though a similar, principle upon the land system. It proposes to sell to the poor settler, in small quantities, such of the public lands as have remained unsold for more than five or ten years, at a reduction of price, in the first case, of twenty-five cents, and, in the last, of fifty cents per acre. This trifling boon, if such it

may be considered, will not affect the general system. It is a small departure from it, in favor of a meritorious class, which time and circumstances, and the condition of the new States, have rendered necessary. It is one which we should most cheerfully grant; and he felt perfectly convinced that his constituents would never condemn him for giving such a vote. Whilst these were his sentiments in regard to this particular matter, he was by no means prepared at the present moment to unsettle the settled policy of the Government in regard to the general disposition and sale of the public lands.

He should now proceed to make some remarks in regard to that portion of the Senator's amendment which proposed to distribute the proceeds of the public lands, after the first day of July, 1840, among the several States. At an early period of his Congressional career, he had been friendly to a similar measure. When the Senator had last brought forward his distribution bill, he, Mr. B., had voted for it, though he was then acting under instructions from the Legislature of Pennsylvania. It was, however, proper to say that he never would have been the agent in giving such a vote, had he deemed the measure to be unconstitutional. Such had not then been his opinion, nor was it so now. Should this measure hereafter be pressed, at a period when our finances were in a condition to render the revenue derived from the public lands unnecessary for the support of the Government, he would decide upon the question, as it might then be presented, under all the existing circumstances. At the present moment, he was decidedly opposed to the Senator's amendment. Our revenue was now scarcely sufficient, with the utmost economy, to meet our expenditures. There were still eight millions of outstanding Treasury notes, which must shortly be redeemed. The Florida war, which was such a fruitful source of expenditure, had not yet been terminated. He might enumerate other causes of extraordinary expenditure. He asked, was this a moment to pass a bill which would deprive the Government of the revenue derived from the public lands? He would never consent to place the Administration and the country in such a dilemma. The Senator seemed to be aware of this difficulty, and, in order to overcome it, had expressed the opinion that before July, 1840, the revenue derived from customs would be sufficient of itself for our expenditures, without the aid of the public lands. He was sorry that he could not entertain the same opinion. We all know that, under the compromise act, the rate

of duties imposed on foreign imports was sinking every two years. Was this a moment, then, when our expenses must be necessarily great, to lop off the revenue derived from the public lands, and give it away to the States? He thought not. He firmly believed that, if this measure should be adopted, we must either create a national debt or increase the tariff. But the Senator says, let us pass the bill now, and if, at the first session of the next Congress, it should be found necessary, we can then suspend or repeal the act. Now, for himself, he believed it to be the part of wisdom to wait until the finances of the country were in such a condition as to justify the withdrawal of the proceeds of the public lands from the public Treasury, before we should take the question into serious consideration. It would be miserable policy to spend time in enacting a law at this session, which we had reason to believe we might be compelled to repeal at the very next session; and that, more especially, as the Senator did not propose that his distribution should take effect until the first day of July, 1840. In any view of the case, there was no propriety in acting upon the subject at the present session of Congress; and if the attempt were persisted in, it would only consume important time, and prevent us from passing other laws of pressing necessity.

The Senator says that the expenditures of this Government have increased enormously, and unless the Administration should use more economy, an increase of the tariff would be inevitable. He had heard the same declaration over and over again on this floor, from Opposition Senators, since the commencement of the present session. It was the easiest thing in the world to make general charges of wasteful expenditure, and, by comparing the aggregate amount of expenditures for the last few years with that of former times, to present a plausible statement for the purpose of alarming the fears of the people. But, do we not all know the causes of this increased expenditure? We have had to prosecute a most expensive war in Florida; and is there any man in the country who would say that this war ought to be arrested? that the United States ought to cower before the prowess of the Seminole Indians? and that the frontier should be exposed to their merciless depredations, for the sake of saving money? This war, then, has been one source of increased expense. Another cause which greatly increased the aggregate amount of our expenditure for the last few years, was the vast sums of money which, in our liberal policy, we had paid for the

extinguishment of the Indian title to lands within the different States. Who regrets this? Who would not now pursue the same course under the same circumstances? And yet all this expenditure has been charged to the extravagance of the present Administration. He had seen estimates of the gross amount annually expended by this Administration, which, strange as it may seem, actually included as an item of their extravagance the millions of indemnities which the late Administration had procured from foreign nations for American merchants. These had first been paid into the Treasury, and were afterwards paid out to those entitled to receive them under the different treaties; and these very disbursements were one item to swell the apparent aggregate of the account current against the Administration, and to prove that it was a most extravagant Administration. The money collected from foreign Governments, by the vigorous and successful diplomacy of General Jackson, was thus used for the purpose of proving a charge of profligate extravagance against his successor.

If the Senator desires to test the question whether he or I am the most economical, I am ready for the trial. Let him point to any single expenditure which can, with justice to the country, be reduced, and if I shall not go as far as he will, then he may brand me with the charge of wasteful extravagance. Will he reduce the army? Are twelve thousand men too great an army for a nation of fifteen millions of people?

[Here Mr. Clay said it was, and that he would reduce it.]

Mr. B. resumed. Twelve thousand men too numerous, with a seacoast stretching from Canada to the Gulf of Mexico, and thence to the Sabine, with the Florida war on hand to the South, and Indian hostilities threatened along our whole Western border, and with the task of preserving our neutral relations throughout the whole extent of our Canada frontier! Reduce the army, with an inland boundary of thousands and thousands of miles, and without any certainty that war may not rage along its whole extent before the end of another year! Why, sir, a sufficient number of men are scarcely left on the seaboard, I will not say to garrison our fortifications, but merely to take care of them, and keep up the police necessary for their preservation. Why, it is a subject of astonishment for the whole world that our army is so small. Now, sir, I do not believe that the Senator himself, after a moment's reflection, would reduce the army below twelve thousand men; and if he did, I feel confident that,

great as is his influence here, he could not find four Senators of the whole body to sustain him in the attempt. Then if the expenditures for the army cannot be lessened, would the Senator wish to reduce the navy, which is the pride and the best defence of the nation from foreign aggression? Have we too many vessels of war, or are there too many of them in commission for the protection of our commerce? I think the Senator will not answer in the affirmative. The army and navy are notoriously the chief causes of our permanent expenditure; and if they cannot be reduced, is it not unjust to charge the Administration with extravagance in maintaining them? But the Senator complains that the expenses of our civil list at the origin of the Government did not exceed $600,000; and now they have greatly increased. He might as well complain that the coat which was sufficient to cover a child in its infancy was not large enough for the same purpose after it had grown to the dimensions of a giant. Since then we have doubled the number of States of the Union, and quadrupled our population, and extended in every form our foreign and domestic relations; and yet the Senator would have us expend no more money on the civil list than in the days of our infancy. Now economy was a homely virtue. It did not deal in generals, but in particulars. It saved wherever it could. One of the most extravagant men he had ever known was one of the most powerful preachers of economy in the general. If the Senator can neither reduce the army, nor the navy, nor the number of those employed in civil service, then I would ask him to lay his hand upon any abuses which may exist in either service. Let him, said Mr. B., descend from generals to particulars, and I shall go with him. Let him point to any individual instance of extravagance, with which the Administration is fairly chargeable, and I will unite with him in condemning and correcting it. Till this shall be done, these general charges amount to nothing.

Mr. B. said that in regard to the allowance of private claims, he was one of those who had subjected themselves to the charge of illiberality for having scrutinized them with too much severity. As an individual, he might be, and he trusted he was, sufficiently liberal with his own money; but he did not feel that he had a right to give away that of the people. He was, therefore, prepared to unite with the Senator in exposing and correcting every extravagance in the administration of the Government. All he wanted was the ability to discover this extravagance.

To return to the subject, he did not think this was a propitious moment to make any general and radical change in our land system, such as the Senator proposed. We were now approaching the close of the last session of a long and stormy Congress; and its few remaining weeks could be better, much better, employed than in discussing the amendment, which it was morally certain could not become a law before its termination. The bill proposed no change in the system, but merely that of giving to actual settlers the right of purchasing, in limited quantities, at a small reduction of price, lands which had been refused by other purchasers for periods of five and ten years; and to the resident owners of lands in the new States, the same limited right of purchasing such vacant lands, provided any such adjoined their present tracts. Whilst he should cheerfully vote for the bill, he would vote with equal cheerfulness against the Senator's amendment.

REMARKS, JANUARY 29, 1839,

ON THE SALT DUTY AND THE COMPROMISE OF 1833.[1]

On the motion of Mr. Benton for leave to introduce a bill to repeal the duty on salt and the fishing bounties—

Mr. Buchanan said, that if the Senator from Missouri had not himself made a special request that the usual courtesy might be waived which required Senators not to oppose the introduction and reference of any bill which a Senator might present, he should not have said one word on the present occasion. There certainly was no gentleman in the Senate to whom he should more cheerfully have extended this courtesy than to the Senator from Missouri. The Senator, however, had called the yeas and nays, and desired to make the introduction of his bill a test question, and to this he could have no objection. He was willing to consider it as such; and briefly to assign the reasons why he should vote against granting him leave to bring in the bill.

I have read (said Mr. B.) with great pleasure and instruction, the remarks of the Senator, published in the Globe of last evening, in favor of repealing the duty on the importation of salt, and the fishing bounties and allowances. If this were the

[1] Cong. Globe, 25 Cong. 3 Sess. VII. Appendix, 75–76.

session of 1841 or 1842, instead of 1839, I should feel disposed to give great weight to his argument. On one point I consider it conclusive. I think he has demonstrated that the bounty to our fisheries originated exclusively in a drawback of the duties on imported salt in their favor; and that this bounty ought to fall with the repeal of these salt duties, unless it can be sustained on some other principle.

My objection to this bill is, therefore, chiefly founded on the famous compromise act of March, 1833; to the leading provisions of which I desire to call the attention of the Senate. By its terms, all duties on all imported articles, which had, under previous laws, been subject to a duty exceeding twenty per cent. on their value, were to be gradually reduced to this standard. One-tenth of the excess of duty above twenty per cent. was to be deducted after the last day of December, 1833; a second tenth after the last day of December, 1835; a third tenth after the last day of December, 1837; a fourth tenth after the last day of December, 1839; three of the remaining tenths after the last day of December, 1841; and the other three remaining tenths after the last day of June, 1842. After that day, as some sort of compensation to the domestic manufacturers of the country, the present system of credits is to be abolished, and this duty of twenty per cent. is to be paid by the importer in ready money, and that, too, according to a valuation of the articles made at the port of entry, and not at the foreign port from which they have been exported. In addition to this, the act contains a long list of articles, useful and necessary to our manufactures, which are after June, 1842, to be admitted free of duty. It is also provided that, after that date, "duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government."

Under the operation of this act, the duties will have gradually reached the final point of depression on the 30th June, 1842, and will then stand at twenty per cent. Now it does appear to me to be a palpable violation both of the spirit and letter of this law, to which I intend to adhere in good faith, to except the article of salt from its provisions. Salt is extensively manufactured in a portion of the State which I have in part the honor to represent. The Senator from Missouri states the foreign salt imported to be annually about six million three hundred thousand bushels; and he estimates the domestic pro-

duction to be about the same quantity. Although I do not speak from data on which I can rely, I believe the quantity of domestic salt is considerably greater than the foreign importation. But be this as it may, it appears, from the Senator's own showing, that the domestic manufactured article, protected in some degree by the existing duty, exceeds six millions of bushels per annum. The domestic manufacturers of salt, however much they may have been dissatisfied with the compromise act, had at least a right to expect that this article would not be made the solitary exception and be admitted free of duty against its provisions. They had a right to rely upon the protection which this act affords; and the introduction of the present bill to make salt a free article, will take them by surprise. Is not this attempt a manifest violation of the compromise?

In the session of 1841–2, at the latest, it will become the duty of Congress seriously to consider the subject of duties on imports generally, and adjust it in that spirit of compromise which gave birth to the Constitution itself. I hope and believe that Southern gentlemen will, at that period, whilst they have a right to insist that the revenue shall be reduced to the standard of an economical administration of the Government, act in a liberal spirit towards the manufactures of the country. A duty granted merely and solely for protection we cannot ask, under the compromise; but we shall expect that whilst imposing duties for revenue, such incidental discrimination may be made in favor of our most important and necessary manufactures, as will assist American industry in struggling against foreign competition. This principle of incidental protection, within these limits, is as old as the Government; and I have never understood that it was objected to by gentlemen of the South. If I should live until that day, and be then a member of the Senate, I shall enter upon the task of adjusting the tariff with every disposition not exclusively to regard the interest of any particular portion of the Union, but to act with liberality, and do justice to all the great interests involved. I know that, at that time, many considerations may be urged in favor of a repeal of all the duties on foreign salt. Such a measure would operate beneficially upon the great agricultural interest which I have ever regarded with peculiar favor. But, at the present moment, this duty rests upon the compromise act, and representing, as I do, a considerable salt manufacturing interest, I am not disposed now to disturb it. At the time of the general revision of the tariff, the

duty on this article can be considered in connexion with all the rest; and then a wiser and better disposition may be made of it, than if we were now to act upon it alone, and without reference to its bearings upon the whole subject.

Mr. B. said that the question of courtesy being as it was out of view, he did not understand how Senators, who had offered able arguments against this bill, could, notwithstanding, conclude by declaring that they would vote for its introduction.

Mr. Benton having made some remarks, which will be given hereafter—

Mr. B. said, (in reply to Mr. Benton,) as to the compromise act, I shall say but little. Its reputed authors are here present, and are very able to defend themselves. As to myself, I was in a far distant land at the time of its passage, and shall never forget my own feelings when I first received information of this event.

The enemies of liberty in every country of the old world were rejoicing in the prospect that this glorious Union—the last hope of Republican institutions—was about to expire. The advocates of despotism were everywhere gloating over the prospect. It was impossible for any person placed in my situation not to see, and to feel, and to know, that this was the cherished hope of the enemies of liberal institutions throughout Europe. It was a subject of conversation in every society which I frequented in the great Northern Capital where I then resided. Although I did not myself personally indulge in gloomy forebodings, yet I hailed the news of the passage of the compromise act as the harbinger of peace and tranquillity at home, with more joy than I have ever felt upon the announcement of any political event. It was then sufficient for me to know that the question which had threatened the peace of my native land was settled; and that, too, by the passage of a bill which had received the approbation of General Jackson. His sanction of it was, to me at least, the strongest evidence that it was not "a mere humbug." I felt the fullest confidence that his signature could never have been affixed to any bill which would sacrifice, or seriously injure, any of the great interests of the country.

Whether, under all the circumstances, I should have voted for this bill or not, had I then been a Senator, or whether it settled our difficulties wisely or unwisely, is not now the question. Be this as it may, it has stood the test of time during a period of six years, and it has not yet been changed by Congress

in a single particular. The people of the State which I, in part, represent, have, at least, acquiesced in its provisions; and they are looking forward to the year 1841 or 1842 for a general settlement of the whole question.

Now, sir, what is my position? I am called upon to except from this compromise a single article of domestic manufacture, in which several counties of Pennsylvania are deeply interested. Would I not be faithless to my trust, if I should agree that this article, protected as it now is by the existing tariff, should be made the solitary exception; and that, too, at a moment when the manufacturers of it are reposing with perfect security on the faith of a law adhered to, as it has been by Congress, ever since its passage? It is not sufficient for me to know that we possess the unquestionable power to violate it. The true question is, would it be wise, or politic, or just, at the present advanced stage of its progress, to disregard its provisions?

And, after all, what mighty matter is to be effected by this bill? Under this very compromise, the duty on salt has already been reduced to about six cents per bushel. After the last day of the present year, it will sink still lower; and after the last day of June, 1842, it will be reduced to about two cents per bushel. Within two or at the latest three years after the close of the present session, there must be a general revision of the tariff; and I would ask, what interest, in the mean time, can suffer, by paying the small duty of six and afterwards of four or two cents per bushel on the importation of foreign salt? Is this a cause sufficient to justify the mighty efforts which have been made to repeal the duty? When I observed these efforts of the Senator's great mind to accomplish an object so trifling and inconsiderable, they forcibly reminded me of the simile of the English poet. They resemble

> "Ocean into tempest tost,
> To waft a feather, or to drown a fly."

Let us wait for two or three years, and then settle this little matter in conjunction with the great questions which must then arise. It is not an object which could excuse, much less justify, a departure from the compromise.

REMARKS, FEBRUARY 8, 1839,

ON A SLAVERY RESOLUTION.[1]

Mr. Buchanan requested the Senator from Michigan to withdraw his motion for a moment. [Mr. Norvell assented.] He said he should vote against the proposition to lay upon the table. From his whole course on the subject of these abolition petitions, he supposed no person would suspect him of being friendly to them, or to their objects. But fair play is a jewel; and he thought that the Senator from Ohio [Mr. Morris] had a right to be heard, and to reply to the remarks that were made in the Senate on this subject yesterday. That being done, he was willing to take any course which might put the subject effectually at rest.

SPEECH, FEBRUARY 14, 1839,

ON THE BILL TO PREVENT THE INTERFERENCE OF CERTAIN FEDERAL OFFICERS WITH ELECTIONS.[2]

Mr. Buchanan rose and said:

Mr. President: The question raised for discussion by the bill now before the Senate, is very simple in its character. This bill proposes to punish, by a fine of five hundred dollars—the one moiety payable to the informer, and the other to the United States—and by a perpetual disability to hold office under the United States, any officer of this Government, below the rank of a district attorney, who "shall, by word, message, or writing, or in any other manner whatsoever, endeavor to persuade any

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[1] Cong. Globe, 25 Cong. 3 Sess. VII. 179. Mr. Morris, of Ohio, submitted in the Senate, on Wednesday, February 6, 1839, a resolution directing the Committee on the Judiciary to inquire into certain matters pertaining to the institution of slavery in the States and Territories, and to report thereon to the Senate; and he moved that this resolution be laid on the table and ordered to be printed. Mr. Morris subsequently withdrew the proposal to print, and the resolution was laid on the table. The resolution coming up for consideration on February 8, Mr. Norvell, of Michigan, for the purpose of getting rid of it, moved to lay the question of its consideration, which Mr. Clay, of Alabama, had demanded, on the table, and asked for the yeas and nays on the motion. On this motion, Mr. Buchanan made the remarks given above. The motion to lay the motion to consider on the table was carried by a vote of 22 yeas to 20 nays, Mr. Buchanan voting in the negative. The discussion thus ended.

[2] Cong. Globe, 25 Cong. 3 Sess. VII. Appendix, 203–210.

elector to give, or dissuade any elector from giving, his vote for the choice of any person to be elector of President and Vice-President of the United States," or to be a Senator or Representative in Congress, or to be a Governor or Lieutenant Governor, or Senator or Representative, within any State of the Union, "or for the choice of any person to serve in any public office established by the law of any of the States." The officers of the United States against whom the penalties of this bill are denounced, consist of marshals and their deputies, postmasters and their deputies, receivers and registers of land offices, and their deputies and clerks; surveyors general of the public lands, and their deputies and assistants; collectors, surveyors, naval officers, weighers, gaugers, appraisers, or other officers or persons concerned or employed in the charging, collecting, levying, or managing the customs, or any branch thereof; and engineers, officers, or agents employed or concerned in the execution or superintendence of any of the public works.

The Senator from Kentucky, [Mr. Crittenden,] before he commenced his remarks, moved to amend the bill by striking from it the pecuniary penalty and perpetual disability against these officers, and substituting, in their stead, the penalty of a removal from office by the President, upon the production of evidence satisfactory to him that any of them had been guilty of the offence.

Now, for myself, (said Mr. B.) I shall not vote for this amendment. I will not take advantage of the amiable weakness of my friend from Kentucky, in yielding to the solicitation of others that which his own judgment approved. I will more especially not give such a vote, because the proposed amendment makes no change in the principle of the bill. There is a beautiful harmony and consistency in its provisions as it came fresh from its author which ought to be preserved. I shall not assist in marring any of its fair proportions. Let it remain in its perfect original form, and let his friends upon this floor come up to the baptismal font, and act as its sponsors; and let its avowed principles be recognized as the established doctrines of the political church to which they are all devoted. No, sir, no; if a village postmaster should dare to exercise the freedom of speech guarantied to him by an antiquated instrument called the Constitution of the United States, and have the audacity "to endeavor to persuade any elector" to vote for Martin Van Buren, or what would be a much more aggravated offence, dissuade any good Whig from

voting for the other distinguished Senator from Kentucky, [Mr. Clay,] a mere forfeiture of his office would bear no just proportion to the enormity of the crime. Let such a daring criminal be fined five hundred dollars; let him be disqualified forever from holding any office under the Government; and let him be pointed at as a man of blasted reputation all the days of his life. With honest Dogberry, in the play of "Much Ado about Nothing," I pronounce the offence to be "flat burglary as ever was committed."

There is another reason why I shall vote against the amendment. An issue has been fairly made between the Senator from Kentucky and my friend from New Jersey, [Mr. Wall,] who, from what we have heard in the course of this debate, has but a few shattered planks left on which he can escape from a total shipwreck of his fair fame. In mercy to him I would not remove any of them. Let him have a chance for his life. He has dared to make a report against the bill in its original form, as it was referred to the committee of which he is the chairman; and for this cause has encountered all the withering denunciations of the Senators from Kentucky and Virginia, [Messrs. Crittenden and Rives.] In justice to him, the aspect of the question should not now be changed. Let us, then, have the bill, the whole bill, and nothing but the bill, against which his report was directed.

It would seem almost unnecessary to discuss the question whether this bill be constitutional or not; as the Senator from Kentucky, throughout the whole course of his argument, never once attempted to point to any clause of the Constitution on which it could be supported. It is true that he did cite some precedents in our legislation which he supposes to have a bearing on the subject; but which, I shall undertake to prove, hereafter, are wholly inapplicable. The Senator from Virginia [Mr. Rives] has gone further into the argument, and has attempted to prove that this bill is constitutional. At the proper time, I shall endeavor to furnish the proper answer to his remarks. By-the-by, this Constitution is a terrible bugbear. Whilst a member of the other House, I once heard an old gentleman exclaim, when it was cited against one of his favorite measures, "what a vast deal of good it prevents us from doing!" After this bill shall have passed, it will be a bugbear no longer, so far as the freedom of speech or the press is concerned. It will not then alarm even political children.

The gentlemen have a precedent for their bill. Yes, sir,

they have a precedent in the sedition law; but it does not go far enough for their purpose. That law, which is the only true precedent on which this bill can be founded, and on which alone it can be sustained, permitted every man to write and to publish what he pleased concerning public men and public measures, and only held him responsible in case his charges should prove to be false. But this bill is a gag law. It goes to the fountain at once, and prohibits the officer not only from writing, but from speaking any thing good, bad, or indifferent, whether true or false, on any subject whatever which may affect any pending election from that of a President down to a constable. It has a much broader sweep than the sedition law, which did not interfere with the liberty of speech, however much it may have abridged the freedom of the press. Indeed, among the more enlightened despotisms of Europe, I know not one which prohibits the freedom of speech on all public subjects; it is only in free and enlightened America that we propose actually to insert the gag. The sedition law was bad enough, God knows; but it extended only to the use of the pen, not to that of the tongue. There is, therefore, no parallel between the two cases.

Had it not been for the existence of the sedition law, I should have supposed it to be impossible that there could have been two opinions in regard to the utter unconstitutionality of this bill. The Constitution, in language so plain as to leave no room for misconstruction, declares that "Congress shall make no law abridging the freedom of speech or of the press. The rule is universal. There is no exception. This bill proposes not only to abridge but utterly to destroy the freedom of speech and of the press; to interdict their use altogether to the enumerated officers, on all questions touching the election of any officer of the Federal or State Government. A plain man would naturally suppose that barely to state the contradiction between the Constitution and this bill was to decide the question. Not so. An ingenious and astute lawyer, in favor of a liberal construction of that instrument, can, by inference and ingenuity, confer powers upon Congress in direct violation both of its letter and its spirit, and of which its framers never once dreamed. Such was the power to pass the sedition law. That law engrafted one limitation upon the freedom of the press. It, in effect, changed the meaning of the general terms "Congress shall make no law abridging the freedom of speech or of the press," and excepted from their operation any law which might be passed

to punish libels against the President, the Government, or either House of Congress. The present bill, in principle at least, proceeds much further. It excepts from the general prohibition of the Constitution the power of punishing all persons holding offices under the Government of the United States who shall dare either to speak or to write at all on questions which may affect the result of any election. This interpolation must be inserted, before gentlemen can show any power to pass the present bill. They cannot advance one step in their argument without it. This Constitution can never be construed according to the meaning of its framers but by men of plain, well-informed, and practical judgment. Common sense is its best expounder. Ingenious men, disposed to raise one implication upon another in favor of Federal power, and to make each previous precedent the foundation on which to proceed another step in the march towards consolidation, may soon make it mean any thing or nothing. The liberties of this country can only be preserved by a strict construction of the enumerated powers granted by the States to Congress.

Before I proceed further in my argument against the constitutionality of this bill, it will be proper that I should develop some of its latent beauties. I desire to delineate a little more precisely its character—to present some of its striking features, and to show what it is in principle, and what it will prove to be in practice.

There are twenty-six sovereign States in this Confederacy, united by a Federal compact, called the Constitution of the United States. Each individual elector in this country sustains two distinct characters. He is a citizen of some one of the States, and he is also a citizen of the United States. He is bound to perform the duties of a good citizen, both towards his own State and towards the United States. Now, what does this bill propose? In the older States of this Confederacy, all the Federal officers which we have in the interior are postmasters. It is true that at our ports of entry there are custom-house officers; but in Pennsylvania, for example, from the Schuylkill to the Ohio and to Lake Erie, our people scarcely feel their connection with the General Government except through the medium of the Post Office Department. These postmasters are very numerous. They are planted in every village and at every cross road. They are agents for disseminating information throughout the country. I might probably say that in nine instances out of ten the office

is scarcely worth holding, on account of its pecuniary emoluments. In most cases, the postmaster accepts it for the accommodation of his neighbors. Now, this postmaster is generally a man of property and of character, having a deep stake in the community and in the faithful administration and execution of the laws. Two candidates are presented to the people for office; say that of a justice of the peace. If one of these village postmasters should, in the exercise of his unquestionable rights as a citizen of Pennsylvania, advise his neighbor to vote for one of these candidates, and against the other, this bill dooms him to a fine of five hundred dollars, and to a perpetual disqualification from ever holding any office under the Government of the United States. No matter whether the merits which he may have ascribed to one of the candidates be true as holy writ, and the delinquencies which he may have charged against the other may be susceptible of the clearest proof, this will not arrest the vengeance of the bill. He is doomed to remain mute, although his dearest interests may be involved, or incur its penalties. A gag is to be put into his mouth, and he is to be punished if he dare to express a preference for one candidate over the other. And let me tell the gentleman, these postmasters hold all sorts of political opinions. In my own State a considerable proportion of their number are Whigs and Antimasons, opposed to the present Administration. I might cite other examples to depict the enormity of this bill, but I consider it wholly unnecessary. I might ascend from the justice of the peace or the constable, through all the gradations of elective office, State and Federal, to the President of the United States, and show, that at each ascending grade, the violation of the rights of the citizen becomes more and more outrageous. I might enumerate the weighers and the gaugers, and the other proscribed classes of inferior office holders, and paint the mad and wanton injustice which this bill would inflict upon them. But enough.

The man who would accept office upon such terms, must forfeit all self respect, and would become at once a fit tool for corruption and for despotism. He must be degraded in his own eyes, and degraded in the eyes of his fellow citizens below the rank of a freeman. If you desire to depreciate the Government itself under which we live, you cannot do it more effectually than by placing such a stigma on its officers.

Why, sir, you could not, by any possibility, carry such a law into execution. If it should pass to-morrow, it would fall

a dead letter upon your statute book. I would not advocate a forcible resistance to any law, and do not believe that such was the intention of my friend from New Jersey, [Mr. Wall,] when he spoke of resistance; but does not the Senator from Virginia know that laws may be passed of a character so odious, that nobody could be found to carry them into execution? Such are all laws which are entirely opposed to the spirit of the age, and the united and overwhelming current of public opinion. I firmly believe this to be the character of the present bill.

But suppose me to be mistaken in this opinion, and that the law could be carried into execution, what would be the consequences? The doomed officer, the postmaster, the weigher or the gauger, is placed in the midst of a thinking, acting, busy population. Everything around him is proceeding with the impetuosity of steam. Public opinion is marching onward with giant strides. The officer is talked at and talked to, daily and hourly, by the surrounding multitude, whilst the law compels him to close his lips in silence. Under such circumstances, it would be impossible for human nature long to refrain. What then? If he utters a syllable on any of the exciting political topics of the day, and these are all involved in the perpetual canvass which is proceeding for offices, high and low, he is at once seized upon by some harpy of an informer. This bill offers a most tempting bribe to such eavesdroppers. It would soon call into existence such a race, to dog and surround each officer, and to catch up every incautious word which might be construed into an endeavor to persuade or to dissuade an elector. Each individual in society is stimulated by this bill to become a common informer, by the tempting offer of a bribe of two hundred and fifty dollars in each particular case. The proscribed officer thus becomes his prey, and, in most cases, will be glad to compromise with him for the payment of a great part, or the whole, of the penalty of five hundred dollars, in order to avoid the stigma of perpetual disability to hold any office under this Government.

There is another remark which I desire to make on this branch of the subject. Whenever you attempt to violate the plain letter and spirit of the Constitution, a thousand evils, of which you have never dreamed, present themselves in the perspective. This law can alone be executed by the courts of the United States. Where are they situated? In the large States, such as Pennsylvania or Virginia, they are held at great distances from each other. A postmaster in either of these States,

the income of whose office does not exceed fifty dollars per annum, may be dragged from home, a distance of one hundred and fifty or two hundred miles, to stand his trial under this bill before a Federal court. The expense would be enormous, whilst he is obliged to appear before a tribunal far from the place where his character, and that of his prosecutor, are known and appreciated. Under such circumstances, he would almost be certain to become the victim of the common informer, under this most unjust and unconstitutional law. He would either be convicted, or compelled to buy his peace at almost any price.

In conferring the powers enumerated in the Constitution on the Federal Government, the States expressly reserved to themselves respectively, or to their people, all the powers not delegated by it to the United States, or prohibited by it to the States. Now I would ask the Senator from Kentucky when, or where, or how has the State of Pennsylvania surrendered to Congress the right of depriving any of her citizens, who may accept office under the General Government, of the freedom of speech or of the press? Where is it declared by the Constitution, either in express terms, or from what clause can it be fairly inferred, that Congress may make a forfeiture of the dearest of all political rights, an indispensable condition of office? Each one of the people of Pennsylvania, under her constitution and laws, is secured in the inalienable right of speaking his thoughts. The State, as well as each individual citizen, has the deepest interest in the preservation of this right. I ask the gentleman to lay his finger on the clause of the Constitution by which it has been surrendered. Where is it declared, or from what can it be inferred, that because the States have yielded to the Federal Government their citizens to execute public trusts under the General Government, that, therefore, they have yielded the rights of those citizens to express their opinions freely concerning public men and public measures? The proposition appears to me to be full of absurdity. In regard to the qualifications of electors, the States have granted no power whatever to the United States. This subject they have expressly reserved from Federal control. The Legislatures of the States, and they alone, under the Constitution, possess the power of prescribing the qualifications of the electors of members of the House of Representatives in Congress. They have reserved the same power to themselves in regard to voters for the choice of electors of President and Vice President. What, then, does this bill attempt? To separate two things which reason and the

Almighty himself have united beyond all power of separation. You might as well attempt, by arbitrary laws, to separate human life from the power of breathing the vital air, as to detach the elective franchise from freedom of thought, of speech, and of the press. In this atmosphere alone can it live, and move, and have its being. To speak his thoughts is every free elector's inalienable right. Freedom of speech and of the press is both the sword and the shield of our Republican institutions. To declare that when the citizens of a State accept office from the General Government, they thereby forfeit this right to express an opinion in relation to the public concerns of their own State and of the nation, is palpable tyranny. In the language referred to in the report, "it puts bridles into their mouths and saddles upon their backs," and degrades them from the rank of a reasoning animal. The English precedent of the Senator was wiser, much wiser, in depriving these officers of the right of suffrage altogether. It does not attempt to separate by the power of man two things which Heaven itself has indissolubly united.

If, therefore, the Constitution contained no express provision whatever prohibiting Congress from passing any law abridging the freedom of speech or of the press, I think I have shown conclusively that the power to pass this bill could not be inferred from any of its express grants of power. But the Constitution is not silent on the subject. Before its adoption by the States, it was dreaded by the jealous patriots of the day, that the Federal Government might usurp the liberties of the people by attacking the liberty of speech and of the press. They, therefore, insisted upon the insertion of an express provision, as an amendment, which, in all time to come, would prevent Congress from interfering with these inestimable rights. The amendment to which I have often referred was adopted, and these rights were expressly excepted from the powers of the Federal Government. And yet, in the very face of this express negative of Federal power, we find the Senator from Kentucky coming forward with his bill declaring direct war against any exercise of the freedom of speech and of the press by those citizens of the States who happen to be office holders under the General Government.

But, says the Senator from Virginia, Congress possess, and have exercised, the unquestionable power of creating offices under the Constitution; and they may, therefore, annex to the holding of these offices such a condition as that prescribed by the bill,

or rather the amendment of the Senator from Kentucky. Now, sir, what is this but to say that Congress may declare that any citizen of Pennsylvania, who accepts a Federal office, shall take it upon condition that it shall be forfeited the moment he exercises the dearest political right guarantied to him and every other citizen by the Constitution of the United States? Can Congress impose any such condition upon an office? If they can, they can repeal the most solemn provision of the Constitution, and render it a dead letter in regard to every person in the employment of the General Government. All mankind may then speak and publish what they please, except those individuals who have been selected, I hope, generally, for their integrity and ability, to execute the important public trusts of the country.

The Senator from Kentucky has adduced several precedents to prove that similar powers have been already exercised by Congress in other cases. Let us examine them for a moment. Congress, says he, has declared that an Indian agent who shall himself trade with the Indians, shall be punished for this act. But why? It is because this agent is vested with the power of granting to our citizens licenses to trade with the Indians, and thus to take care that they shall not be imposed upon and cheated. To allow him, therefore, to trade with them himself, would be to make him a judge in his own cause, and to withdraw from them that protection which the law intended. Besides, Congress have received from the States, by the Constitution, the power to regulate commerce with the Indian tribes. The whole subject is thus placed under their control. What, then, is this precedent worth? Is not the trading of an Indian agent with the Indians an express and palpable violation of a duty necessarily involved in his office? Can any thing be clearer than the power and the duty of Congress to punish him for this offence? But what interference can there be between the performance of the duties required by law from a postmaster, or from any other of the proscribed officers, and his expression of an opinion to his neighbor, either for or against any candidate for public office? If the postmaster, for example, performs his whole official duty, if he receives and delivers the letters entrusted to his care, and regularly settles his accounts with the Department, what human power can arbitrarily place a gag in his mouth, and declare that he shall be punished for exercising the freedom of speech and of the press, upon the pretext that the exercise of these rights of a freeman are inconsistent with the duties of his office? You

might just as well punish him or deprive him of his office for speaking or writing on natural philosophy, or mathematics, or any other scientific subject. You would have the same power to violate that clause in the Constitution conferring upon every man the free exercise of religion, and punish him for expressing his opinion on religious subjects, for attending prayer meetings or bible societies, or for endeavoring to persuade or dissuade any member of the religious society to which he belongs in relation to the choice of its pastor. The principle is precisely the same in both cases. Your whole power hath this extent, no more. You can punish the officer for neglecting or for violating the duties which appropriately belong to his office. You cannot repeal the Constitution by declaring it to be an official duty that he shall abandon the constitutional right of speaking his thoughts upon any subject whatsoever, whether religious, scientific, or political. In other words, you have no right to declare that he shall become a slave when he becomes an officer.

A similar answer, if it were necessary, might be given to the Senator's other precedents. Officers of the customs are prohibited from owning any vessel or cargo under a pecuniary penalty. And why? Because they themselves are to direct and superintend the entry of vessels and cargoes belonging to other persons and the collection of duties; and to allow them to transact this business for themselves, would be to make them judges in their own cause. It would be an evident violation of the duty naturally attached to their office. But will any one contend that their constitutional freedom of speech, in regard to candidates for office, is incompatible with the proper entry or unloading of vessels engaged either in foreign commerce or the coasting trade?

So the register of a land office is prohibited from entering lands in his own name, or, in other words, from selling lands to himself.

Such are the precedents which the Senator has cited to justify himself in depriving the officers embraced by his bill of the right of freedom of speech and of the press.

But I do not mean even to rest the constitutional question here. From the very nature of the Constitution itself, two great political parties must ever exist in this country. You may call them by what names you will, their principles must ever continue to be the same. The one, dreading Federal power, will ever be friendly to a strict construction of the powers delegated to the Federal Government and to State rights. The other,

equally dreading Federal weakness, will ever advocate such a liberal construction of the Constitution as will confer upon the General Government as much power as possible, consistently with a free interpretation of the terms of the instrument. The one party is alarmed at the danger of consolidation; the other at that of disunion. In the days of the elder Adams the party friendly to a liberal construction of the Constitution got into power. And what did they do? Among other things, in the very face of that clause of the Constitution which prohibited Congress from passing any law abridging the freedom of speech or of the press, they passed the sedition law. What were its provisions? It punished false, scandalous, and malicious libels against the Government of the United States, either House of Congress, or the President, by a fine not exceeding two thousand dollars and imprisonment not exceeding two years.

At the present day, it would be useless to waste the time of the Senate in proving that this law was a violation of the Constitution. It is now admitted that Congress, in passing it, had transcended their powers. If any principle has been established beyond a doubt by the almost unanimous opinion of the people of the United States, it is, that the sedition law was unconstitutional. Such is the strong and universal feeling against it, that if it could now be revived, the authors would probably meet a similar fate with those deluded and desperate men in France who have themselves lately fallen victims upon the same altar on which they had determined to sacrifice the liberty of the press.

The popular odium which followed this law was not so much excited by its particular provisions, as by the fact that any law upon the subject was a violation of the Constitution, and would establish a precedent for giving such a construction to it as would swallow up the rights of the States, and of their people in the gulf of Federal power.

The Constitution had declared that "Congress shall pass no law abridging the freedom of speech or of the press." Its framers well knew that, under the laws of each of the States composing this Union, libels were punishable. They, therefore, left the character of all officers created under the Constitution and laws of the United States to be protected by the laws of the several States. They were afraid to give this Government any authority over the subject of libels, lest its colossal power might be wielded against the liberty of the press. Congress were, therefore, prohibited from passing any law upon the subject.

whether good or bad. It was not merely because the law was unjust in itself, though it was bad enough Heaven knows, that the indignant Republicans of that day rose against it; but it was because it violated the Constitution. It expired by its own limitation in March, 1801; but not until it had utterly prostrated the political party which gave it birth.

Now, sir, I shall say a few words concerning the Virginia and Kentucky resolutions of 1798; although the Senator from Virginia may consider it sacrilege in me to discuss this subject. I have at all times, ever since I read and understood these resolutions, held to the political doctrines which they inculcate; and I can assure the Senator I have studied them with care. I will read a few extracts from the Virginia resolutions.

The General Assembly, in the third resolution, "doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact—and as no further valid than they are authorized by the grants enumerated in that compact;" and in the fourth resolution, they express their deep regret, "that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them." In regard to the sedition law, they declare that its passage was the exercise of "a power not delegated by the Constitution; but, on the contrary, expressly and positively forbidden by one of the amendments thereto: a power, which, more than any other, ought to produce universal alarm; because it is levelled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right."

Now, sir, what is the essence, what is the root of all these resolutions? It consists of one plain, clear, fundamental principle, from which all others proceed as branches. It is this, that patriotism—that the permanence of our institutions—that all the principles of correct construction require, that the Federal Government shall be limited to the express powers granted to it by the States, and that no implied powers shall ever be exercised, except such as are evidently and plainly necessary to carry the express powers into effect. This is the foundation, the corner stone, the vital principle of all the Virginia and Kentucky reso-

lutions. It was because the sedition law violated this principle, that the Republican statesmen of Virginia and Kentucky opposed it with such a determined spirit. It was, as Mr. Madison says in his report, because such a loose construction of the Constitution as would bring this law within its pale, would lay the foundation from which the friends of a strong central government might proceed to rob the States and the people of their liberties, and establish a consolidated government. It was the first stride towards a limited monarchy.

The Federalists of that day honestly believed that the Government should be strengthened at the centre, and that the pulsations of the heart were not powerful enough to extend a wholesome circulation to the extremities. They, therefore, used every effort to enlarge the powers of the Federal Government by construction. This was the touchstone which then divided parties, and which will continue to divide them until, which God forbid, the Government itself shall cease to exist.

Now, sir, if I have correctly stated the principle which runs through all the Virginia and Kentucky resolutions, I would ask whether the bill now before the Senate is not a more palpable violation of this principle than the sedition law. I shall now proceed to establish this position.

In the first place, then, the sedition law did not interfere with the freedom of speech. The citizen might speak what he thought and say what he pleased without subjecting himself to its penalties. Under the despotisms of Europe there is a strict censorship over the press. Everything written for publication must undergo the supervision and correction of a Government censor before it can be published. In the most despotic countries, however, some indulgence is granted to the liberty of speech on political questions. The bill establishes more than a universal censorship over the freedom of speech. It compels the officer to be silent altogether on political questions. He dare not utter a word without incurring its penalties. In this country, every public question connects itself with our elections. If there be two candidates for any State Legislature, and the election should turn upon internal improvements, or the division of a county, the officer is as much exposed to the universal sweep of this bill, in case he utters a word in favor of the one or against the other, as though it were the Presidential election. He is equally doomed to silence in the one case as in the other. Such tyranny is unknown to the sedition law.

Whilst I was abroad some years ago, I heard an anecdote highly creditable to the King of Prussia, who, although a despot, is, by his subjects, called a Democratic King. The revolutionary war of Poland against Russia was then raging, and the Polish subjects of the Prussian King were highly excited in favor of their brethren under the dominion of Russia. They talked very freely in favor of taking part in the contest; of casting off the Prussian yoke, and uniting with their brethren in re-establishing the independence of Poland. The counsellors of the King advised him to prohibit and to punish this freedom of speech. He answered that he would do no such thing; that he would suffer them to express their opinions, and that there was less danger that they would rise against his government than if they remained silent. This was the remark of a liberal and a wise man, who had been instructed in the school of adversity.

But, in this favored land of liberty, in the nineteenth century, we are about to deny to our citizens the privilege of speaking their thoughts. This is the first attempt which I have ever known or read of, either in England or in this country, to punish the expression of opinions relative to candidates for office as a crime. If ever this was done in England, even in the reigns of the Tudors or the Stuarts, it must have been a Star Chamber offence. In the more enlightened despotisms of Europe, they will learn, with astonishment, that a bill has been introduced into the Senate of the United States, proposing to punish a postmaster for expressing his opinion in favor of a candidate for office, as if this were an enormous crime, with a fine of five hundred dollars, and a perpetual disability to hold any other office under the Government. Even under the common law of England, oral slander is not punishable as a crime. The party injured by it is left to his private remedy.

In the second place, the sedition law, although it did abridge, did not, like this bill, totally destroy the freedom of the press. The sedition law deprived no man of the right or the power, in the first instance, to write and publish to the world any strictures upon the Government which he might think proper. To be sure, if in exercising this privilege he violated the truth, he was made responsible to its penalties. This bill reaches the very fountains of thought. Its object is to prevent its victims from speaking or writing at all. No matter how innocent, or praiseworthy, or true, may be the conversation or the publication, still if it can

be construed into an endeavor to persuade any elector to give his vote for a particular candidate, he is doomed to a fine of five hundred dollars, and a perpetual disability to hold office.

Again: under the sedition law, the accused was permitted to protect himself against its penalties, by giving the truth of his charge in evidence. Any individual who had accused the President of the United States of being a bad and dangerous man, who was aiming a blow at the liberties of his country, and desired to usurp the powers of the Government by a latitudinarian construction of the Constitution, was protected by this law from all responsibility, provided he could prove the truth of these allegations to the satisfaction of a court and jury of his countrymen. Not so the present bill. If a postmaster, or a land officer, or a weigher, or a gauger, should endeavor to dissuade any elector from voting for a particular candidate, and should say that this candidate has been guilty of a crime and therefore his election would be dangerous to the country, and be brought before a court and jury for trial under this bill, he must be convicted, although he may be able to prove the truth of his charge by evidence as clear as a sunbeam. The old English maxim, "the greater the truth the greater the libel," is again revived, with some show of reason; because the language of truth would be more powerful in persuading or dissuading an elector than that of falsehood. Although every member of the court and the jury might personally know that what the accused had uttered was the truth, yet, under the provisions of this bill, they would be bound to convict and sentence him to suffer its penalties.

I think I have thus established my position that this bill is worse, and more glaringly unconstitutional, than the sedition law.

I now approach the argument of the Senator from Virginia in favor of the constitutionality of this bill. The old argument in favor of the sedition law, as stated by Mr. Madison in his report, was that the general phrases in the preamble and one clause of the Constitution were sufficiently powerful to extend the limited grants of power contained in the body of the instrument, and to confer upon Congress the authority to enact any law they might think proper for the common defence and the general welfare. This doctrine has long since been exploded, and was not adverted to by the Senator from Virginia. We are informed by the same authority that another argument used was, that all the State Legislatures had passed laws for the

punishment of libels; and that, therefore, the same power belonged to the Government of the United States. A similar argument could not be urged by the Senator in support of this bill; because no State Legislature ever did, and I will venture to say no State Legislature ever will, pass such a bill as that now before the Senate. To what argument then did the Senator resort? I shall endeavor to state it fairly. He asks if a judge were to use the freedom of speech or of the press, in canvassing the merits of a cause before the people, which it would become his duty afterwards to decide, would it be an abridgment of this freedom to punish him for such conduct? I answer, certainly not. But does not the gentleman perceive that the offence in this case is substantive and independent, and amounts to a total violation of his official duty, for which he ought to be impeached? The language, oral or printed, which he has used, is the mere agent which he has employed in the commission of the offence. This argument is a begging of the question; for it assumes that, under the Constitution, Congress possess the power to punish one citizen for persuading another, by fair argument, to give his vote for or against any candidate for office. This is the very principle to be established. Again he asks, suppose one of the officers embraced by the bill were to use the freedom of speech or of the press, in saying to an elector, if you will give your vote for such a candidate, I will procure you an office, would not such an officer be punishable? I answer, certainly he would, under the State laws; because this would be an attempt to procure a vote by corrupt and improper means. It is a distinct offence, the punishment of which in no manner interferes with the liberty of speech or the press when exercised to accomplish constitutional purposes. A similar answer might be given to his interrogatory in regard to giving a challenge, by word or by writing, to fight a duel. The last question, which capped the climax of his argument, was, if a man be guilty of a false and malicious libel against an innocent person, may you not punish him, under the Constitution, without invading the freedom of speech or of the press—because it is not the words he may use which you punish, but the falsehood of the charge, the evil intention, and the injury inflicted? I ask the Senator if this argument is not a justification of the sedition law to the fullest extent? I have taken down the Senator's words, and cannot be mistaken in their meaning. What did the sedition law declare? That the authors of "false, scandalous and malicious" libels, with the evil intentions enumerated in the

act, should incur its penalties. It was not the mere words published that were punished, but it was their falsehood, their malice, and their evil intention. The constitutionality of the sedition law is, therefore, embraced not only within the spirit, but within the very words, of the Senator's argument. Has he not, however unconsciously, defended the sedition law? This argument, to my knowledge, never occurred to those who passed that law; but it is one which, if well founded, would give us the power to-morrow to pass another sedition law.

Do not Senators perceive that the passage of this bill would utterly disfranchise a large and respectable class of our people? Under it, what would be the condition of all the editors of your political journals, whose business and whose duty it is to enlighten public opinion in regard to the merits or demerits of candidates for office? Pass this law, and you declare that no editor of a public paper, of either party, is capable or worthy of holding any of the proscribed offices. He must at once either abandon his paper, and with it the means of supporting himself and his family, or he must surrender any little office which he may hold under the Government.

And yet this bill is supported by my friend from Virginia, who, to use his own language, "has been imbued with the principles of Democracy, and a regard for State rights, from his earliest youth." If such a charge should ever be made against him hereafter, his speech and his vote in favor of this bill will acquit him before any court in Christendom where the truth may be given in evidence. I yet trust that he may never vote for its passage.

Every measure of this kind betrays a want of confidence in the intelligence and patriotism of the American people. It is founded on a distrust of their judgment and integrity. Do you suppose that when a man is appointed a collector or a postmaster, he acquires any more influence over the people than he had before? No, sir! On the contrary, his influence is often diminished, instead of being increased. The people of this country are abundantly capable of judging whether he is most influenced by love of country or love of office. If they should determine that his motives are purely mercenary for supporting a political party, this will destroy his influence. If he be a noisy, violent, and meddling politician, he will do the administration under which he has been appointed much more harm than good. Let me assure gentlemen that the people are able to take care of

themselves. They do not require the interposition of Congress to prevent them from being deceived and led astray by the influence of office holders. Whilst this is my fixed opinion, I think the number of Federal officers ought to be strictly limited to the actual necessities of the Government. Pursue this course, and, my life for it, all the land officers and postmasters and weighers and gaugers which you shall send abroad over the country can never influence the people to betray their own cause. For my own part, I entertain the most perfect confidence in their intelligence as well as integrity.

That office holders possess comparatively but little influence over the people, will conclusively appear from the brief history of the last two years, the period during which this dreaded man, Mr. Van Buren, has been in office. What has all this alarming influence of the office holders effected at the only points where they are to be found in any considerable number? In the city of Philadelphia, notwithstanding all the influence of the custom-house, the post office, and the mint, the majority at the last election against the Administration was tremendous, being, I believe, upwards of four thousand. The Prætorian guards, as they have been called, performed but little service on that day in that city. On the other hand, look at the interior of Pennsylvania. There the Governor, whose patronage within the limits of the State was as great, under the old Constitution, as that of the King of England, had filled every office with enemies of the present Administration. Of this I do not complain; for, whether right or wrong, it has been the long established practice of both political parties. It is true that many of the postmasters were friendly to the Administration; but it is equally certain, that a large proportion of them warmly espoused the cause of the Opposition. What was the result? Those wielding this vast patronage were entirely routed, notwithstanding the exertions of the office holders. Gentlemen may quiet their alarms, and be assured that the people cannot be persuaded to abandon their principles by the influence of men in office.

Again: let us look at the State of New York for another example. There the Albany Regency were seated in power. The Democratic party was well drilled. All the office holders of the State and of the city were friendly to the Administration. Besides, in my opinion, they fought in the righteous cause; and this same abused Albany Regency, who were their leaders, was composed of as able and as honest men as were ever at the head of

any State government. What was the result there? With all this official power and patronage, both of the State and Federal Governments, we were beaten, horse, foot, and dragoons. There is not the least necessity for passing an unconstitutional law, to save the people from the influence of the office holders.

Have we not been beaten in all the large cities of the Union, where only there are Federal officers in any considerable number? What has been our fate in New York, Philadelphia, Boston, Baltimore, and New Orleans? We have been vanquished in all of them. The hobgoblins and chimeras dire respecting the influence of office holders, which terrify gentlemen, exist only in their own imagination. The people of this country are not the tame and servile creatures who can be seduced from their purpose by the persuasion of the office holders. It is true that in 1828 I did say that the office holders were the enlisted soldiers of that administration by which they were sustained. This was too strong an expression. But admit them to be enlisted soldiers; and whilst I do not deny them some influence, there is no danger to be apprehended from it, as long as there is virtue and intelligence among our people.

And here I hope the Senator from Kentucky will pardon me for suggesting to him an amendment to his bill. He has, I think, made one or two mistakes in the classification of his officers; though, in the general, it is sufficiently perfect. The principle would seem to have been to separate what may be called the aristocracy of office holders from the plebeians. Those of the elevated class are still permitted to enjoy the freedom of speech and of the press, whilst the hard-working operatives among them are denied this privilege. The heads of departments and bureaus, the officers of the army and navy, the superintendents and officers of our mints, and our district attorneys are not affected by this bill. These gentlemen are privileged by their elevation. They are too high to be reached by its provisions. Who, then, ought to care whether weighers and gaugers, and village postmasters, and hard-handed draymen, and such inferior people shall be permitted to express their thoughts on public affairs? I would suggest, however, that the collectors of our principal seaports, the marshals of our extensive judicial districts, and the postmasters in our principal cities receive compensation sufficient to enable them to figure in "good society." They ought to rank with the district attorneys, and should be elevated from the plebeian to the patrician rank of office holders. They ought to be allowed

the freedom of speech and of the press. As to the subordinate officers, they are not worth the trouble of a thought.

To be sure there is one palpable absurdity on the face of the bill. Its avowed purpose is to prevent office holders from exercising an influence in elections. Why, then, except from its operation all those office holders who, from their station in society, can exercise the most extensive influence, and confine its provisions to the humbler but not less meritorious class whose opinions can have but a limited influence over their fellow-men? The district attorney, for example, is excepted—the very man of all others who, from his position and talents, has the best opportunity of exerting an extensive influence. He may ride over his district, and make political speeches to secure the election of his favorite candidate. He is too high a mark for the gentleman's bill. But if the subordinates of the custom-house, or the petty postmaster at the cross-roads with an income of fifty dollars per annum, shall dare, even in private conversation, to persuade an elector to vote for or against any candidate, he is to be punished by a fine of five hundred dollars, and a perpetual disability to hold any office under the Government. Was there ever a bill more unequal or more unjust?

Now, sir, I might here, with great propriety, and very much to the relief both of my audience and myself, leave this subject; but there are still some other observations which I conceive it to be my duty to add to what I have already said. Most of them will be elicited by the very strong remarks of my friend from Virginia; for I trust that I may still be permitted to call him by that name.

He and I entered the House of Representatives almost together. I believe he came into it but two years after myself. We soon formed a mutual friendship, which has ever since, I may say, on my part, with great sincerity, continued to exist. We fought shoulder to shoulder, and his great powers were united with my feeble efforts in prostrating the administration of the younger Adams. General Jackson came into power; and during the whole period of that administration he was the steady, unwavering supporter of all its leading measures, except the Specie Circular and his advocacy of the currency bill; and, on that bill, I stood by him, in opposition to the administration. Whilst this man of destiny was in power—this man of the lion heart, whose will the Whigs declared was law, and whose roaring terrified all the other beasts of the forest, and subdued them into

silence—where was then the Senator from Virginia? He was our chosen champion in the fight. Whilst General Jackson was exerting all this tremendous influence, and marshalling all his trained bands of office holders to do his bidding, according to the language of the Opposition, these denunciations had no terrors for the Senator from Virginia. Never in my life did I perform a duty of friendship with greater ardor than when, on one occasion, I came to his rescue from an unjust attack made against him by the Whigs in relation to a part of his conduct whilst minister in France. After holding out so long together, ought he not, at least, to have parted from us in peace, and bade us a kind adieu? In abandoning our camp, why did he shoot Parthian arrows behind him? In taking leave of us, I hope not forever, is it not too hard for us to hear ourselves denounced by the gentleman in the language which he has used? "He is amazed and bewildered with the scenes passing before him. Whither, he asks, will the mad dominion of party carry us? His mind is filled with despondency as to the fate of his country. Shall we emulate the servility of the senate and people of Rome? You already have your Prætorian bands in this city." I might quote from his speech other phrases of a similar character; but these are sufficient. I do not believe that any of these expressions were aimed at me personally; yet they strike me with the mass of my political friends, and I feel bound to give them a passing notice.

And why, let me ask the Senator, why did he not sooner make the discovery of the appalling danger of Executive influence? Is there more to be dreaded from that cause, under the present administration, than under that which is past? Is Martin Van Buren more formidable than General Jackson was? Let his favorite author, De Tocqueville, answer this question. He says, "the power of General Jackson perpetually increases, but that of the President declines; in his hands the Federal Government is strong, *but it will pass enfeebled into the hands of his successor.*" Do we not all now know this to be the truth? Has not the Government passed enfeebled into the hands of his successor? We see it, and feel it, and know it, from every thing which is passing around us. The civilian has succeeded the conqueror; and, I must be permitted to say, has exercised his high powers with great moderation and purity of purpose. In what manner has he ever abused his patronage? In this particular, of what can the gentleman complain?

In February, 1828, I did say that the office holders were the

enlisted soldiers of the Administration. But did I then propose to gag them? Did I propose to deprive them of the freedom of speech and of the press? No, sir, no! Notwithstanding the number of them scattered over the country, I was not afraid of their influence. On the contrary, I commended the Administration for adhering to its friends. I then used the following language:

"In my humble judgment, the present administration could not have proceeded a single year, with the least hope of re-election, but for their patronage. This patronage may have been used unwisely, as my friend from Kentucky [Mr. Letcher] (and I am still proud to call him my friend, notwithstanding our political opposition) has insinuated. I have never blamed them, I shall never blame them, for adhering to their friends. Be true to your friends and they will be true to you, is the dictate both of justice and of sound policy. I shall never participate in abusing the administration for remembering their friends. If you go too much abroad with this patronage, for the purpose of making new friends, you will offend your old ones, and make but very insincere converts."

What was my opinion in 1828, when I was in the opposition, is still my opinion in 1839, when I am in the majority. I say now, that the administration which goes abroad with its patronage to make converts of its enemies, at the expense of its friends, acts both with ingratitude and injustice. Such an administration deserves to be prostrated. Although neither from principle nor from feeling am I a root and branch man, yet, in this respect, I adopt the opinion of General Washington, the first, the greatest, the wisest, and the best of our Presidents. I prefer him either to General Jackson or to the great Apostle of American Liberty. This opinion, however, may proceed from the relics of old Federalism. On this subject General Washington says: "I shall not, whilst I have the honor to administer the Government, bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures which the General Government is pursuing; for this, in my opinion, would be a sort of political suicide. That it would embarrass its movements is certain."

Now, sir, if any freak of destiny should ever place me in one of these Executive Departments, and I feel very certain that it never will, I shall tell you the course I would pursue. I should not become an inquisitor of the political opinions of the sub-

ordinate office holders, who are receiving salaries of some eight hundred or a thousand dollars a year. For the higher and more responsible offices, however, I would select able, faithful, and well-tried political friends who felt a deep and devoted interest in the success of my measures. And this not for the purpose of concealment, for no public officer ought to be afraid of the scrutiny of the world; but that they might cheerfully co-operate with me in promoting what I believed to be the public interest. I would have no person around me, either to hold back in the traces, or to thwart and defeat my purposes. With General Washington I believe that any other course "would be a sort of political suicide."

In executing the duties of a public office, I should act upon the same principles that would govern my conduct in regard to a private trust. If the Senator from Virginia were to constitute me his attorney, to transact any important business, I should never employ assistants whom I believed to be openly and avowedly hostile to his interests.

But, says the Senator, you already have your prætorian bands in this city. He doubtless alludes to the office holders in the different departments of the Government; and, I ask, is Mr. Van Buren's influence over them greatly to be dreaded? If, sir, the President relies upon such troops he will most certainly be defeated. These prætorian bands are, to a great extent, on the side of the Senator from Kentucky and his political friends. I would now do them great injustice if I were to call them the enlisted soldiers of the Administration. Whilst General Jackson was here they did keep tolerably quiet, but now I understand that many of these heads of bureaus and clerks use the freedom of speech and of the press without reserve against the measures of his successor. Of course I speak from common report. God forbid that I should become an inquisitor as to any man's politics. It is generally understood that about one-half of them are open enemies of the present Administration. I have some acquaintance with a few of those who are called its friends; and among this few I know several, who, although they declare they are in favor of the re-election of Mr. Van Buren, yet they are decidedly opposed to all his prominent measures. Surrounded by such prætorian bands, what has this tyrant done? Nothing, literally nothing. I believe he is the very last man in the country who can justly be charged with using his official patronage to control the freedom of elections. His forbearance towards his political

enemies in office will unquestionably injure him to some extent, and especially in those States where, under the common party law, no person dreams of being permitted to hold office from his political enemies. His liberality in this respect has been condemned by many of his friends, whilst he is accused by his enemies of using his official patronage for corrupt political purposes. This is a hard fate. The Senator must, therefore, pardon me, after having his own high authority in favor of General Jackson's administration, if, under that of his successor, I cannot now see the dangers of Executive patronage in a formidable light.

There was one charge made by the Senator from Virginia against the present Administration, which I should have been the first man to sustain, had I believed it to be well founded. Had the President evinced a determination, in the face of all his principles and professions, to form a permanent connection in violation of law, between the Government and the Bank of the United States, or any other State bank, he should, in this particular, have encountered my unqualified opposition. In such an event, I should have been willing to serve under the command of the Senator against the Administration; and hundreds and thousands of the unbought and incorruptible Democracy would have rallied to our standard. I am convinced, however, from the reports of the Secretaries of the Treasury and of War, and from the other lights which have been shed upon the subject, that "their poverty and not their will consented" to the partial and limited connection which resulted from the sale of the bond to the Bank of the United States.[1] Such seems to have been the general opinion on this floor, because no Senator came to the aid of the gentleman from Virginia in sustaining this charge. "Where was Roderick then?" Why did not the Senator from Kentucky come to the rescue and sustain his friend from Virginia, in the accusation against the Administration of having again connected itself with the Bank of the United States?

The Senator from Virginia has informed us, that in his State, a law exists, prohibiting any man who holds office under the Federal Government from holding, at the same time, a State

[1] This refers to the sale by the United States to the Bank of the United States of the third bond due by the latter to the former. The money paid for the bond was to lie in the bank, subject to draft by the United States. The Bank of the United States, having failed, by reason of Jackson's veto, to secure the renewal of its national charter, had now been incorporated under the laws of the State of Pennsylvania.

office. This law prevents the same individual from serving two masters. A similar law, I believe, exists in every State of this Union. If there is not, there ought to be. The Federal and State Governments ought to be kept as distinct and independent of each other as possible. The General Government ought never to be permitted to insinuate itself into the concerns of the States, by using their officers as its officers. These incompatible laws proceed from a wise and wholesome jealousy of Federal power, and a proper regard for State rights. I heartily approve them. Then, sir, if there be danger in trusting a postmaster of the General Government with the commission of a magistrate under State authority, how infinitely more dangerous would it be to suffer the Administration to connect itself with all the State banks of the country? What immense influence over the people of the States could the Federal Government thus acquire! Suffer it to deposit the public money at pleasure with these banks, and permit them to loan it out for their own benefit, and you establish a vast Federal influence, not over weighers and gaugers and postmasters, but over the presidents, and directors, and cashiers, and debtors, and creditors of these institutions. You bind them to you by the strongest of all ties, that of self interest; and they are men who, from their position, cannot fail to exercise an extensive influence over the people of the States. I am a State rights man, and am therefore opposed to any connection between this Government and the State banks; and last of all to such a connection with the Bank of the United States, which is the most powerful of them all. This is one of the chief reasons why I am in favor of an Independent Treasury. And yet, friendly to State rights as the Senator professes to be, he complains of the President for opposing such a connection with the State banks, and thereby voluntarily depriving himself of the power and influence which must ever result from such an union.

There are other reasons why I am friendly to an Independent Treasury; but this is not the proper occasion to discuss them. I shall merely advert to one which, in my opinion, renders an immediate separation from the banks indispensable to the public interest. The importation of foreign goods into New York, since the commencement of the present year, very far exceeds, according to our information, the corresponding importations during the year 1836, although they were greater in that year than they had ever been since the origin of our Government. This must at once create a large debt against us in England.

Meanwhile, what is our condition at home? New York has established what is called a free banking law, under whose provisions more than fifty banks had been established in the beginning of January last, and I know not how many since, with permission to increase their capital to four hundred and eighty-seven millions of dollars. These banks do not even profess to proceed upon the ancient, safe and well established principle of making the specie in their vaults bear some just and reasonable proportion to their circulation and deposits. Another and a novel principle is adopted. State loans and mortgages upon real estate are made to take the place of gold and silver; and an amount of bank notes may be issued equal to the amount of these securities deposited with the Comptroller. There is no restriction whatever imposed on these banks in regard to specie, except that they are required to hold eleven pence in the dollar, not of their circulation and deposits united, but of their circulation alone. Well may that able officer have declared, in his report to the Legislature, that "it is now evident that the point of danger is not an exclusive metallic currency, but an exclusive paper currency, so redundant and universal as to excite apprehensions for its stability." The amount of paper issues of these banks, and the amount of bank credits, must rapidly expand the paper circulation, and again produce extravagant speculation. The example of New York will have a powerful influence on the other States of the Union. Already has Georgia established a free banking law; and a bill for the same purpose is now before the Legislature of Pennsylvania. If the signs of the times do not deceive me, we shall have another explosion sooner, much sooner, than I had anticipated. The Senator from Massachusetts [Mr. Webster] nods his assent. [Here Mr. Webster said, "I think so also."] This paper bubble must, from its nature, go on rapidly expanding, until it reaches the bursting point. The recent suspension of specie payments by the Branch Bank of Mobile, in the State of my friend from Alabama, [Mr. King,] may be the remote and distant thunder premonitory of the approaching storm. This is all foreign, however, to the subject before the Senate. I desire now to declare solemnly in advance, that if this explosion should come, and the money of the people in the Treasury should again be converted into irredeemable bank paper and bank credits, the Administration will be guiltless of the deed. We have tried, but tried in vain, to establish an Independent

Treasury, where this money would be safe, in the custody of officers responsible to the people.

There is one incident in relation to the Bank of the United States which my friend from Virginia may be curious to know. Under the Pennsylvania charter it was prohibited from issuing notes under ten dollars. I had fondly hoped that this example might be gradually followed by our Legislature in regard to the other banks, until the time should arrive when our whole circulation under ten dollars should consist of gold and silver. The free banking law of New York has enabled the Bank to nullify this restriction. Under this law it has established a bank in the city of New York, the capital of which may be increased to $50,000,000, and has transferred to the Comptroller of that State Michigan State loan to the amount of $200,000. And what notes, Mr. President, do you suppose it has taken in lieu of this amount of loan? Not an assortment of different denominations, as the other banks have done, but forty thousand five dollar notes. These five dollar notes will be paid out and circulated by the Bank at Philadelphia; and thus the wise ten dollar restriction contained in its Pennsylvania charter is completely annulled.

If, therefore, I could believe for a moment that this Government intended to form a permanent connection with the Bank of the United States, and again make it the general depository and fiscal agent of the Treasury, even if no other principle were involved than that of the enormous increase of Executive patronage which must necessarily follow, I should at once stand with my friend from Virginia in opposition to the Administration. But I would not go over with him to the enemy's camp. I have somewhere read a eulogy on the wisdom of the Catholic church, for tolerating much freedom of opinion in non-essentials among its members. A pious, an enthusiastic, and an ardent spirit, which, if it belonged to any Protestant church, might produce a schism, is permitted to establish a new order, and thus to benefit, instead of injuring, the ancient establishment. I might point to a St. Dominick and a Loyola for examples. Now, sir, I admit that the Whig party is very Catholic in this respect. It tolerates great difference of opinion. Its unity almost consists in diversity. In that party we recognize "the Democratic Antimasonic" branch. Yes, sir, this is the approved name. I need not mention the names of its two distinguished leaders. The peculiar tenet of this respectable portion of the universal political Whig church is a horrible dread of the murderers of Morgan, whose

ghost, like that of Hamlet's father, walks abroad, and revisits the pale glimpses of the moon, seeking vengeance on his murderers. I wish they could be found, and punished as they deserve. Though not Abolitionists in the mass, they do not absolutely reject, though they may receive with an awkward grace, the overtures and aid of the Abolitionists. In my portion of the country, at least, the Abolitionists are either incorporated with this branch of the party, or hang upon its outskirts. The Senator from Virginia and myself could not, I think, go over to this section of the party, nor would we be received by it into full communion. The Senator from Kentucky [Mr. Clay] will, I think, find to his cost that he has done himself great injury with this branch of the Opposition, by the manly and patriotic sentiments which he expressed a few days ago on the subject of Abolition.

Then comes the Whig party proper, in which the Senator from Kentucky stands pre-eminent. I need not detail its principles. Now, I humbly apprehend that even if the President of the United States should determine to ally himself with the Bank, and force us to abandon him on that account, neither the Senator from Virginia nor myself could find refuge in the bosom of this party. We have both sinned against it beyond forgiveness. We were both in favor of the removal of the deposits—an offence which, with them, like original sin, "brought death into the world, and all our woe." For this, no penitence can atone.

Again: we both voted for the expunging resolution, which, in their opinion, was an act of base subserviency and man worship, and, withal, a palpable violation of the Constitution. So dreadful was this offence, that my friend from Delaware [Mr. Bayard] will never get over it. He has solemnly pledged himself to cry aloud and spare not, until this foul blot shall be removed from the journals of the Senate. I should be glad to know why he has not yet introduced his annual resolution to efface this unsightly stain from the record of our proceedings.

In short, we should be compelled to form a separate branch of the Whig party. We should be the deposit-removing, expunging, force bill, anti-bank, Jackson Whigs. We should carry with us enough of locofocoism and other combustible materials to blow them all up. They had better have a care of us.

I hope the Senator may yet remain with us, and be persuaded that his old friends upon this floor do not resemble either the servile band in the Roman Senate under the first Cæsar, or that which afterwards degraded themselves so low as to make the

favorite horse of one of his successors high priest and consul. He can never be fully received into the communion of the faithful Whigs. Although the fathers of the church here may grant him absolution, yet the rank and file of the party throughout the country will never ratify the deed.

I was pleased to hear the Senator from Virginia, on yesterday, make the explanation which he did to the Senator from North Carolina, [Mr. Strange] in regard to what he had said in favor of the British Government. I cheerfully take the explanation. I did suppose he had pronounced a high-wrought eulogy upon that government; but it would not be fair to hold him, or any other Senator, to the exact meaning of words uttered in the heat and ardor of debate.

I agree with him that we are indebted for several of our most valuable institutions to our British ancestors. We have derived from them the principles of liberty established and consecrated by Magna Charta, the trial by jury, the petition of right, the habeas corpus act, and the revolution of 1688. And yet, notwithstanding all this, I should be very unwilling to make the British Government a model for our legislation in Republican America. Look at its effects in practice. Is it a government which sheds its benign influence, like the dews of Heaven, upon all its subjects? Or is it not a government where the rights of the many are sacrificed to promote the interest of the few? The landed aristocracy have controlled the election of a majority of the members of the House of Commons; and they, themselves, compose the House of Lords. The main scope and principal object of their legislation was to promote the great landed interest, that of the large manufacturers, and of the fund holders of a national debt, amounting to more than seven hundred and fifty millions sterling. In order to accomplish these purposes, it became necessary to oppress the poor. Where is the country beneath the sun in which pauperism prevails to such a fearful extent? Is it not known to the whole world that the wages both of agricultural and manufacturing labor are reduced to the very lowest point necessary to sustain human existence? Look at Ireland,—the fairest land I have ever seen. Her laboring population is confined to the potato. Rarely, indeed, do they enjoy either the wheat or the beef which their country produces in such plentiful abundance. It is chiefly sent abroad for foreign consumption.

The people of England are now struggling to make their institutions more free; and I trust in God they may succeed; yet

their whole system is artificial, and without breaking it down altogether, I do not perceive how the condition of the mass of the people can be much ameliorated. In the present state of the world, no friend of the human race ought probably to desire its immediate destruction. We ought to regard it rather as a beacon to warn us than as a model for our imitation. We ought never, like England, to raise up by legislation any great interests or monopolies to oppress the people, which we cannot put down without crushing the Government itself. Such is now the condition of that country. I am no admirer of the British Constitution, either in church or state, as it at present exists. I desire not a splendid Government for this country.

The Senator from Virginia has quoted with approbation, and sustained by argument, a sentiment from De Tocqueville to which I can never subscribe. It is this: That there is greater danger, under a Government like ours, that the Chief Magistrate may abuse his power, than under a limited monarchy; because, being elected by the people, and their sympathies being strongly enlisted in his favor, he may go on to usurp the liberties of the country with their approbation.

[Here Mr. Rives rose and explained.]

Mr. Buchanan. From the gentleman's explanation, I find that I did not misquote either his proposition or his argument. I am sorry he speaks under the dominion of so much feeling. I have none at all on the present occasion. I shall proceed, and, at the proper time, and, I trust, in the proper manner, give my answer to this proposition.

The Senator has introduced De Tocqueville as authority on this question; and, in order to give greater weight and lustre to this authority, has pronounced him superior to Montesquieu. Montesquieu was a profound thinker, and almost every sentence of his is an apothegm of wisdom. He has stood, and ever will stand, the test of time. I cannot compare De Tocqueville with Montesquieu. I think he himself would blush at such a comparison.

I may truly say that I have never met any Frenchman or Englishman who could understand the complicated relations existing between our Federal and State Governments. In this respect, De Tocqueville has not succeeded much better than the rest. I am disposed to quarrel with him for one thing, and that is, that he is opposed to the doctrines of the Virginia and Kentucky resolutions. He is one of those old Federalists, in the true

acceptation of that term, who believe that the powers of the General Government are not sufficiently strong to protect it from the encroachment of the States. Hence one great object of his book is to prove that this Government is becoming weaker and weaker, whilst that of the States is growing stronger and stronger; and although he does not think the time near, yet the final catastrophe must be, that it will be dissolved by its own weakness, and the people at length, tired of the perpetual struggles of liberty, will finally seek repose in the arms of despotism. This result, in his opinion, is not to be brought about by the strength, but by the weakness, of the Federal Government. I might adduce many quotations to this effect from his book, but I shall trouble the Senate with but a few. He says, in summing up a long chapter on this subject, "I am strangely mistaken if the Federal Government of the United States be not constantly losing strength, retiring gradually from public affairs, and narrowing its circle of action more and more. It is naturally feeble, but it now abandons even its pretensions to strength. On the other hand, I thought that I remarked a more lively sense of independence, and a more decided attachment to provincial government, in the States. The Union is to subsist, but to subsist as a shadow; it is to be strong in certain cases, and weak in all others; in time of warfare it is to be able to concentrate all the forces of the nation, and all the resources of the country in its hands; and in time of peace its existence is to be scarcely perceptible, as if this alternate debility and vigor were natural or possible."

"I do not foresee anything for the present which may be able to check this general impulse of public opinion; the causes in which it originated do not cease to operate with the same effect. The change will therefore go on, and it may be predicted that, unless some extraordinary event occurs, the Government of the Union will grow weaker and weaker every day." Again: "So far is the Federal Government from acquiring strength and from threatening the sovereignty of the States, as it grows older, that I maintain it to be growing weaker and weaker, and that the sovereignty of the Union alone is in danger." And again: "It may, however, be foreseen even now, that when the Americans lose their Republican institutions, they will speedily arrive at a despotic government, without a long interval of limited monarchy."

Speaking of the power of the President, he says: "Hith-

erto no citizen has shown any disposition to expose his hono and his life, in order to become the President of the Unite States, because the power of that office is temporary, limite and subordinate. The prize of fortune must be great to encour age adventurers in so desperate a game. No candidate has a yet been able to arouse the dangerous enthusiasm or the pas sionate sympathies of the people in his favor, for the very simpl reason, that when he is at the head of the Government he ha but little power, but little wealth, and but little glory to shar amongst his friends; and his influence in the State is too small fo the success or the ruin of a faction to depend upon the elevatio of an individual to power."

Now, if this greater than Montesquieu is to be believed, an his authority is to be relied upon by the Senator from Virginia whence his terror and alarm lest the power of the Presiden might be strengthened by the influence of the lower class o Federal office holders at elections? Why should they be deprive of the freedom of speech and of the press, upon the princip that the power of Mr. Van Buren is dangerous to the liberties o his country? The gentleman's lauded authority is entirely agains his own position. Now, for my own part, I differ altogether fro De Tocqueville. Although I do not believe that the power an patronage of the President can with any, even the least, justic be compared with that of the King of England, yet from th very nature of things, from the rapid increase of our population from the number of new States, from our growing revenue an expenditures, from the additional number of officers necessary t conduct the affairs of the Government, and from many othe causes which I might enumerate, I am convinced that the Federa Executive is becoming stronger and stronger. Rest assured h is not that feeble thing which De Tocqueville represents him t be. Federal power ought always to be watched with vigilan jealousy, not with unjust suspicion. It ought never to b extended by the creation of new offices, except they are abso lutely necessary for the transaction of the public business.

The Whigs will be astonished to learn that, in the opinio of this author, General Jackson has greatly contributed, not t strengthen, but to weaken Federal power. "Far from wishing t extend it," says he, "the President belongs to the party which i desirous of limiting that power to the bare and precise letter o the Constitution, and which never puts a construction upon tha act favorable to the Government of the Union; far from stand

ing forth as the champion of centralization, General Jackson is the agent of all the jealousies of the States; and he was placed in the lofty situation he occupies by the passions of the people which are most opposed to the central Government." He states the means adopted by this illustrious man for destroying his own power. They are: 1. Putting down internal improvements. 2. Abandoning the Indians to the legislative tyranny of the States. 3. Destroying the Bank of the United States. 4. Yielding up the tariff as a sacrifice to appease South Carolina. In this list, he mentions the abandonment by Congress of the proceeds of the sales of the public land to the new States to satisfy their importunity. These States will be astonished to learn that Mr. Clay's land bill, to which they were so violently opposed, gave them the greatest part of the revenue derived from this source; and my friend from Missouri [Mr. Benton] will doubtless be much disappointed to hear that President Jackson had completely adopted the principles of this bill. De Tocqueville has communicated this information to us, and he is high authority. Hear him: "Congress," says he, "has gone on to sell, for the profit of the nation at large, the uncultivated lands which those new States contained. But the latter at length asserted that, as they were now fully constituted, they ought to enjoy the exclusive right of converting the produce of these sales to their own use. As their remonstrances became more and more threatening, Congress thought fit to deprive the Union of a portion of the privileges which it had hitherto enjoyed; and, at the end of 1832, it passed a law by which the greatest part of the revenue derived from the sale of lands was made over to the new Western Republics, although the lands themselves were not ceded to them." And, in a note to this passage, the author says: "It is true that the President refused his assent to this law; but he completely adopted it in principle. See message of 8th December, 1833."

Here, sir, is a fair sample of the information which passes current in Europe in regard to us and our institutions, and this proceeds from the modern Montesquieu! Had he been a genuine Montesquieu, I think he would have said, General Jackson has strengthened the Federal Government by arresting it in its career of usurpation, and bringing it back to its ancient constitutional course. Thus all danger of collision, or even of jealousy, between it and the States has been avoided; and within its appropriate sphere every clog has been removed from its vigorous action. It has thus become more powerful. Love of the Union

is a sentiment deeply seated in the heart of every American. It grows with his growth, and strengthens with his strength; and never was it stronger than at the present moment. One great cause of this is, that General Jackson has denied himself every power not clearly granted by the Constitution; whilst he has, with a firmness and energy peculiar to himself, exerted all those which have been clearly conferred upon the General Government. But enough of this.

Now, sir, I cannot agree with the Senator from Virginia, according to the explanation which he has given, that there is greater danger of usurpation by an elective President than by a limited hereditary monarch. His was an argument to prove that, in this respect, a limited monarchy has the advantage over our Republican form of Government. If this be true, then our Government, in one particular at least, is worse than that of England. Now, sir, upon what argument does the gentleman predicate this conclusion? Does he not perceive that it is upon an entire want of confidence in the people of the United States? He fears their feelings may become so enlisted in favor of some popular Chief Magistrate who has been elected by their suffrages —their passions may become so excited—that he may ride upon their backs into despotic power. Now I do not believe any such thing. I feel the utmost confidence in the people. As long as they remain intelligent and virtuous, they will be both able and willing to defend their own cause, and protect their own liberties from the assaults of an usurper, whether they be open or disguised. Their passions will never drive them to commit suicide upon themselves. It is true the people may go wrong on some questions. In my opinion, they have recently gone wrong in some of the States; but I rely upon their sober second thought to correct the evil. On a question, however, between liberty and slavery, until they are fit to be slaves, there can be no danger.

The Senator has expressed the opinion, with great confidence, that ours is a far stronger Executive Government than that of England; and has sustained this opinion by an enumeration of office holders, and an argument to which I shall not specially refer. Let any man institute a comparison between the two, and he will find that this is but the creation of a brilliant imagination. I got a friend in the library last evening to collect some statistical information for me on this subject. Even now, in the time of peace, the British army exceeds 101,000 men, including officers; and their vessels of war in commission are

one hundred and ninety-one. How will our army of 12,000 men, and our navy consisting of twenty-six vessels in commission, compare with this array of force, and this source of patronage? The officers of the British army and navy, appointed by the crown, hold seats in Parliament, and engage actively in the business of electioneering. No law prohibits them from exerting their influence at elections; and the bill of the Senator from Kentucky, in this respect, bears a close resemblance to the act of Parliament. No jealousy is manifested in either towards the higher officers. It is only those of the humble class who are deprived of their rights.

On the 5th January, 1836, the public debt of Great Britain and Ireland amounted to £760,204,554 7 2¾ sterling, say, in round numbers, to thirty-six hundred millions of dollars. The interest of every man who owns any portion of this vast national debt is involved in and identified with the power of the British Government. It is by the exertion of this power alone, that the annual interest upon his money can be collected from the people. In order to pay this interest and sustain the Government, there was collected from the British people, in the form of customs and internal taxes, during the year ending on the 5th January, 1836, the sum of £52,589,992 4 6¼ sterling; say, in round numbers, two hundred and fifty-two millions of dollars. What a vast field for patronage is here presented! How does our revenue, of some twenty or twenty-five millions of dollars, compare with this aggregate? Then there is the patronage attached to the East and West Indies, to the Canadas, and to British possessions scattered all over the earth. The Government of England is a consolidated Government. It is not like ours, composed of sovereign States, all whose domestic officers are appointed by State authority. The King is the exclusive fountain of office and of honors and of nobility throughout his vast dominions. What is the fact in regard to the General Government? With the exception of post officers, its patronage is almost exclusively confined to the appointment of custom-house officers along our maritime frontier, and land officers near our western limits. Throughout the vast intermediate space, a man may grow old without ever seeing a Federal civil officer, unless it be a postmaster. I adduce these facts for the purpose, not of proving that we ought not to exercise a wholesome jealousy towards the Federal Government, but for that of showing how unjust it is to compare the power and patronage of the President of the

United States with that of the King of England. You might as well compare the twinkling of the most distant star in the firmament of Heaven with the blaze of the meridian sun. May this ever continue to be the case!

I will tell the Senator from Kentucky how far I am willing to proceed with him in punishing public officers. If a postmaster will abuse his franking privilege, as I know to my sorrow has been done in some instances, by converting it into the means of flooding the surrounding country with base libels in the form of electioneering pamphlets and handbills, let such an officer be instantly dismissed and punished. If any district attorney should either favor or oppress debtors to Government, for the purpose of promoting the interest of his party, he ought to share a similar fate. So if a collector will grant privileges in the execution of his office to one importer, which he denies to another, in order to subserve the views of his party, he ought to be dismissed from office and punished for his offence. I would not tolerate any such official misconduct. But whilst a man faithfully and impartially discharges all the duties of his office, let him not be punished for expressing his opinion in regard to the merits or demerits of any candidate. Above all, let us not violate the Constitution, in order to punish an officer.

The Senator from Virginia has of late appealed to us often to rise above mere party, and to go for our country. Such appeals are not calculated to produce any deep impression on my mind; because, in supporting my party, I honestly believe I am, in the best manner, promoting the interest of my country. I am, but I trust not servilely, a party man. I support the present President, not because I think him the wisest or best man alive, but because he is the faithful and able representative of my principles. As long as he shall continue to maintain these principles, he shall receive my cordial support; but not one moment longer. I do not oppose my friends on this side of the House because I entertain unkind feelings towards them personally. On the contrary, I esteem and respect many of them highly. It is against the political principles of which they are the exponents that I make war.

I support the President, because he is in favor of a strict and limited construction of the Constitution, according to the true spirit of the Virginia and Kentucky resolutions. I firmly believe that if this Government is to remain powerful and permanent, it can only be by never assuming doubtful powers,

which must necessarily bring it into collision with the States. It is not difficult to foresee what would be the termination of such a career of usurpation on the rights of the States.

I oppose the Whig party, because, according to their reading of the Constitution, Congress possess, and they think ought to exercise, powers which would endanger the rights of the States and the liberties of the people. Such a free construction of the Constitution as can derive from the simple power "to lay and collect taxes" that of creating a National Bank, appears to me to be fraught with imminent danger to the country. I am opposed to the party so liberal in their construction of the Constitution, as to infer the existence of a power in the Federal Government to create and circulate a paper currency for the whole Union, from the clause which merely authorizes Congress "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." Such constructions would establish precedents which might call into existence other alien and sedition laws; and it is such a construction which has given birth to the bill now before the Senate, denying the freedom of speech and of the press to a respectable portion of our citizens.

Should the time ever arrive when these principles shall be carried into practice, and when the Federal Government shall control the whole paper system of the country, either by the agency of a National Bank, or an immediate issue of its own paper, our liberties will then be in the greatest danger. In addition to the constitutional patronage of the President, confer upon him the influence which would result from the establishment of a National Bank, and you may make him too powerful for the people. Such a bank, spreading its branches into every State, controlling all the State institutions, and able to destroy any of them at pleasure, would be a fearful engine of Executive power. It would indissolubly connect the money power with the power of the Federal Government; and such an union might, I fear, prove irresistible. The people of the States might still continue to exercise the right of suffrage; all the forms of the Constitution might be preserved, and they might delude themselves with the idea that they were yet free, whilst the moneyed influence had insinuated itself into the very vitals of the State, and was covertly controlling every election.

REMARKS, FEBRUARY 26, 1839,

ON THE DISPUTE AS TO THE MAINE BOUNDARY.[1]

A message was received from the President of the United States, together with documents, on the subject of the recent and existing difficulties between the people and authorities of Maine and New Brunswick. The message and documents were read throughout, and concurred most precisely with the accounts of these matters heretofore published. It further appeared that the British Minister, Mr. Fox, had, in a communication to the United States Executive, declared, in concurrence with the Lieutenant Governor of New Brunswick, that it was well known that the whole of the disputed territory had been placed under the exclusive jurisdiction of British authority, and that it was bound so to remain by an express agreement between the two powers; and on this ground Mr. Fox demanded that Maine should be ordered to withdraw her troops from the territory. The President altogether and expressly denied the existence of any such agreement, either express or implied, and called on Mr. Fox to point out the passages or stipulations on which this assumption was founded, whereupon Mr. Fox declared the two Governments at direct variance on this point, entered his "protest in the most formal manner" against the ground thus taken by the President, that no such agreement existed, and declared his intention, forthwith, to communicate with his Government on this point, and wait for further instructions. The message maintained that the correspondence between the two conflicting parties expressly disproved the existence of any such agreement, and showed that each was to exercise the rights and jurisdiction which they already possessed, without any attempt at their advance, so as to avoid collision. It also maintained that Maine had a right to arrest the depredators on the territory, and intimated an intention of the President to endeavor again to settle the difficulty by referring it to the arbitration of a third power. But if the authorities of New Brunswick should persist in maintaining by force the assumption of exclusive jurisdiction over the territory, the President would then consider that contingency as having arisen in which it would be proper for a State to call for aid from the General Government. It further appeared that the President had recommended to the Executive

[1] Cong. Globe, 25 Cong. 3 Sess. VII. Appendix, 210–212.

of Maine to disband her troops as the first step to be taken toward a return to a peaceful negotiation of the controversy.

Mr. Buchanan said that, in rising to move the reference of this message and these documents to the Committee on Foreign Relations, he deemed it his duty to submit a few observations to the Senate. In this whole matter his ardent desire was, that the Government of the United States might pursue such a course, if this could be done with honor, as to preserve peace between the two countries; and, if that object could not be accomplished, that our course might be so firm, consistent, and dignified, as to secure the universal approbation of our constituents. He desired that our cause might not only be just in itself, but that it might be conducted in such a manner as to leave no doubt of its justice among the people of all political parties of the country; because he believed they were all actuated by the same desire to preserve untarnished the honor of the nation. If war must come, we should endeavor to inspire a unanimity of sentiment among the American people; and then, in a righteous cause, we should be irresistible.

In regard to our title to the disputed territory, he had but little to say. It was sufficient for him to declare most solemnly that, of all the important questions he had ever been called upon to examine, this was the most free from doubt. In this opinion he was happy to have been sustained, at the last session of Congress, by the unanimous concurrence of the Committee on Foreign Relations, and the unanimous vote both of the Senate and House of Representatives. After the adoption of the resolutions, in the beginning of July last, to which he referred, he had fondly hoped that the British Government would long ere this have entered seriously into a negotiation for the settlement of this question: but he was sorry to say that the same procrastination and delay which had hitherto characterized their conduct still continued to exist. He was happy, however, now to learn, from the note to Mr. Forsyth from Mr. Fox, which has just been read, that he anticipates an early settlement of the general question. He hoped that in this particular Mr. Fox might not be mistaken, and that his belief rested upon sufficient reasons within his own knowledge.

In the brief remarks (said Mr. B.) which I have to make, I wish to present a few points, to which I ask the serious attention of the Senate. The whole of the present difficulty on the frontiers of Maine seems to have arisen from an entire misap-

prehension, on the part of the British Government, in regard to the question of exclusive jurisdiction over the disputed territory. Sir John Harvey seems to have proceeded entirely upon this ground. I was no little surprised when I read his letter to the Governor of Maine, which asserts that, by an agreement between the two Governments, the territory in dispute was to remain under the exclusive jurisdiction of England until the controversy should be determined; because I had supposed that if any fact had been established beyond dispute by the correspondence between the parties, from the day when the Senator from Kentucky [Mr. Clay.] as Secretary of State, addressed his first note to the minister of the British Government on this subject until the present moment, it was, that their claim to exclusive jurisdiction had always been resisted by the United States. From the very nature of things, no such agreement, either express or implied, could ever have been sanctioned by this Government, without national degradation. What is the true statement of the case? Two neighboring and friendly nations have a dispute respecting the title to an intermediate district of territory between their acknowledged limits; and by far the greater part of this territory is a wilderness. Now, what is the course, and the only course, which the very nature of such a question would point out? It is this: that, whilst the dispute continued, each party should retain possession of that portion of the territory which had been previously in its actual possession; and the remainder should not be placed under the exclusive jurisdiction of either.

Now, sir, unless I am greatly mistaken in my reading of the documents, such an understanding has uniformly existed between this Government and England, and has hitherto guided the conduct of both parties. Nay, more, sir; there is an express agreement on this subject, if I understand the English language. After the Senate had rejected the award of the King of Holland, it became necessary to open a negotiation with England for the purpose of settling this disputed question. At the conclusion of Mr. Livingston's note to Mr. Bankhead of the 21st July, 1832, written with this view, he says, "until this matter shall be brought to a final conclusion, the necessity of refraining on both sides *from any exercise of jurisdiction beyond the boundaries now actually possessed* must be apparent, and will no doubt be acquiesced in on the part of his Britannic Majesty's provinces, as it will be by the United States." Did the British

Government reject this friendly proposal? Did they then, as Mr. Fox does now, assert any claim to exclusive jurisdiction? No, sir, no. Sir Charles Vaughan, in his answer to Mr. Livingston, dated on the 14th of April, 1833, assures him "that his Majesty's Government entirely concur with that of the United States in the principle of continuing to abstain, during the progress of the negotiation, *from extending the exercise of jurisdiction within the disputed territory, beyond the limits within which it has hitherto been usually exercised by the authorities of either party.*" Now, can language be more explicit than this? A distinct proposition, arising out of the very nature of the question, was thus made by Mr. Livingston, and it was distinctly accepted by Sir Charles Vaughan. Is not this, then, an express agreement between the parties? I had, therefore, good cause for astonishment when I saw the claim set up by the British Government to the exclusive jurisdiction over the disputed territory. I cannot help believing that, when Sir John Harvey and the British authorities come to review this subject, they will arrive at a different conclusion. In that event, our present alarming difficulties will be speedily adjusted.

Now, sir, this being the state of the question, what rights remained to each party? It is true that, pending the controversy, no exclusive jurisdiction can be exercised by either. But suppose a band of lawless trespassers intrude themselves into this disputed territory, and proceed to destroy its value by the plunder of its timber, the chief article which renders it valuable, are both parties obliged to stand by and look tamely on, whilst these depredations are committed, without making any effort to prevent them? Had not either party the right to drive away these trespassers, without giving any reasonable cause of offence to the other? To make the case familiar, let me suppose that my friend from Missouri [Mr. Linn] and myself own adjoining plantations, and that a controversy has arisen between us respecting the title to some timber land along our boundaries. In order to live at peace, we agree that, until the question of title shall be settled, we will each refrain from taking possession of the property in dispute. Now, sir, would this agreement prevent either of us from driving away lawless trespassers from the timber land to which we both claimed title? The two questions are parallel. It appears to me that both these Governments have a concurrent right, not against each other, but against lawless intruders. I admit that in such a case each ought to act with the

most perfect good faith towards the other, and retire within their acknowledged limits the moment the object is accomplished. To drive away trespassers should never be made a pretext for holding permanent possession of the territory in dispute.

Now, sir, what has Maine done? She has merely sent her land agent, with a sufficient force, into the disputed territory, under the authority of her Legislature, to expel the trespassers, who were engaged in cutting down and removing the timber. The resolution of the Legislature hath this extent, no more. In my opinion, it was perfectly correct. It does any thing but authorize an array of military force for the purpose of assuming exclusive jurisdiction over the territory. It is merely the employment of the land agent and the sheriff, with a sufficient force, to expel the intruders. It is true this force was armed, because the trespassers were armed, and had declared their purpose of resistance. The amount of the appropriation made to carry this resolution into effect was only ten thousand dollars. Surely Sir John Harvey was mistaken in supposing that this force, led by the land agent and the sheriff, went to the disputed territory for the purpose of taking and holding permanent possession of it in defiance of the British Government, and in violation of the subsisting agreement between the two countries.

But, sir, as a man of candor, I will say, that in one respect I could desire that the Governor of Maine had acted in a different manner from what he has done. His message to the Legislature, and their resolution upon it, meet my entire approbation. The only cause of regret which I have is, that he did not send a copy of the message and resolution to the Governor of New Brunswick. This might have been communicated to him confidentially; and thus the trespassers could not have received notice of the intentions of Maine in time to make their escape. Had he acted in this manner, it would have placed him entirely in the right; and no pretext could have been afforded to Sir John Harvey for mistaking the character and object of the expedition. It is true that in point of fact it would perhaps have made no difference, as he has expressly declared that he was instructed by his Government to maintain exclusive jurisdiction over the territory, and that it was his fixed determination to obey this instruction. Still, if this communication had been made to him, it is possible no difficulty might have arisen.

There is a third and most important point to which I would call the attention of the Senate. The Governor of New Bruns-

vick has expressed his determination to maintain exclusive jurisliction over the disputed territory by military force; and the President of the United States, in his message, has expressed an equal determination to resist any such attempt. He has declared that if Sir John Harvey should invade this disputed territory, he will consider it a case which, under the Constitution and laws, will make it his imperative duty to call out the militia for the purpose of repelling this invasion. Should both parties adhere to their determination, a collision becomes inevtable. The question, then, for the Senate to determine is, shall the military seizure and occupation of this territory by the British Government, under the pretext that they have a right of exclusive jurisdiction over it, be resisted by force? Can we tamely submit to such a violation of our rights? Is there any other honorable alternative left? Is there a Senator within the sound of my voice who will doubt for a single moment on this question? I sincerely believe there is not.

I do not yet believe that Sir John Harvey will persist in a determination which would be an equal violation of our sovreign rights, and of the express agreement of his own Government. But ought any expectation that he will recede, to induce Congress to adjourn without furnishing the President with the means of repelling such an invasion? I think not. Congress cannot be convened before September, because until then several of the States would be without Representatives. In the meantime, actual war with a powerful nation may be forced upon the country, without the President having the means of resistance. A liberal contingent appropriation ought, therefore, to be made before we adjourn.

I have thus presented the three points to the Senate which I deem worthy of their deep and solemn consideration. Have the British Government any right to the exclusive jurisdiction over the disputed territory? If they have not, has Maine violated any right of that Government by expelling these lawless intruders? Shall we resist by force any attempt to take military possession of the disputed territory whilst the negotiation is pending?

Mr. B. then moved the reference of the message and accompanying documents to the Committee on Foreign Relations.

RESOLUTIONS, FEBRUARY 28, 1839,

ON THE DISPUTE AS TO THE MAINE BOUNDARY.[1]

Mr. Buchanan, from the Committee on Foreign Relations to which was referred the President's Message, and accompanying documents, in relation to the existing difficulties on the Northeastern frontier, made a report thereon, which was read as follows:

The Committee on Foreign Relations, to which was referred the Message of the President of the United States of the 26th and the 27th inst. and the accompanying documents, in relation to the existing difficulties on the Northeastern frontier of the United States, report the following resolutions, and recommend their adoption by the Senate:

Resolved, That the Senate can discover no trace, throughout the long correspondence which has been submitted to them between the Governments of Great Britain and the United States of any understanding, express or implied, much less of any "explicit agreement," such as is now alleged, that the territory in dispute between them on the Northeastern boundary of the latter, shall be placed and remain under the exclusive jurisdiction of her Britannic Majesty's Government until the settlement of the question; on the contrary, it appears that there was, and is, a clear subsisting understanding between the parties, under which they have both acted, that, until this question shall be finally determined, each of them shall refrain from the exercise of jurisdiction over any portion of the disputed territory, except such parts of it as may have been in the actual possession of the one or the other party.

Resolved, That whilst the United States are bound, in good faith, to comply with this understanding, during the pendency of negotiations, the Senate cannot perceive that the State of Maine has violated the spirit of it by merely sending, under the authority of the Legislature, her land agent, with a sufficient force, into the disputed territory, for the sole purpose of expelling lawless trespassers engaged in impairing its value by cutting down the timber; both parties having a common right, and being bound by a common duty, to expel such intruders from a territory to which each claims title, taking care, however, to retire

[1] Cong. Globe, 25 Cong. 3 Sess. VII. 229; S. Doc. 272, 25 Cong 3 Sess.

within their acknowledged limits when this single object shall have been accomplished.

Resolved, That should her Britannic Majesty's Government, in violation of the clear understanding between the parties, persist in carrying its avowed determination into execution, and attempt, by military force, to assume exclusive jurisdiction over the disputed territory, all of which, they firmly believe, rightfully belongs to the State of Maine, the exigency, in the opinion of the Senate, will then have occurred, rendering it the imperative duty of the President, under the Constitution and the laws, to call forth the militia, and employ the military force of the United States, for the purpose of repelling such an invasion. And in this event, the Senate will cordially co-operate with and sustain the President in defending the rights of the country.

Resolved, That should the British authorities refrain from attempting a military occupation of the territory in dispute, and from enforcing their claim to exclusive jurisdiction over it by arms, that then, in the opinion of the Senate, the State of Maine ought, on her part, to pursue a course of similar forbearance. And should she refuse to do so, and determine to settle the controversy for herself by force, the adjustment of which is intrusted under the Constitution to the Federal Government, in such an event there will be no obligation imposed on that Government to sustain her by military aid.

The report was ordered to be printed, and made the special order for to-morrow.

REMARKS, MARCH 1, 1839,

ON THE RESOLUTIONS CONCERNING THE MAINE BOUNDARY.[1]

The Senate having taken up the resolutions reported by th Committee on Foreign Relations, on the subject of the difficu ties between Maine and New Brunswick—

Mr. Buchanan said the subject had been so much discusse that he would now offer no further explanation of the resol tions, though he would be happy to reply to any questions whic might be proposed.

[Mr. Williams, of Maine, here made some remarks, an concluded by moving that the fourth resolution be stricken out

Mr. Buchanan replied, that never had resolutions been draw

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[1] Cong. Globe, 25 Cong. 3 Sess. VII. Appendix, 308, 309–310, 311, 31 315, 316. For the resolutions, see February 28, 1839, supra. In the Co gressional Globe, at the end of this debate, there appears the following not

"In a report of the proceedings in the Senate on the Maine Bounda Question, published in the Daily Globe of the 9th instant, the remarks Mr. Buchanan, with several others, were copied from the Intelligencer. Th following note to the Editors of that paper, making some corrections, escap us at the time:

"To the Editors.

"Lancaster, March 22, 1839.

"Gentlemen: There is one error in the sketch of the debate in th Senate on the night of the 1st instant, on the subject of the Maine contr versy, which appeared in the tri-weekly Intelligencer of Tuesday last, sufficient importance to justify correction from me. I am made to say, in th fourth column of the fourth page, when speaking of the proceedings on ou Northeastern frontier, that 'all this the President looks at boldly and ma fully, *on an exalted eminence, above the feelings of the country,*' &c. & Now, I certainly never used, nor could have used, such an absurd expressio The easiest mode of correction is to state the substance of what I did sa which is as follows:

[The paragraph, as corrected, is given in the foregoing debate.]

"I might make some other corrections, such as that I did not say that th boundary question 'had been a vexed question ever since the treaty of 178 and that 'this territory had never been considered for a moment, from 178 till now, as a part of Maine;' having endeavored to prove, and I thin successfully, in a report to the Senate on a former occasion, that it did no even begin to be a question at all, until the conferences which preceded th treaty of Ghent; but I forbear to trouble you further.

"I make these corrections in no spirit of complaint against the reporte on the contrary, considering the lateness of the hour and the length of th debate, his sketch is more accurate than could have been reasonably expecte

"Yours very respectfully,

"James Buchanan."

up with more care than these by any committee, and he did not expect that they would meet with any opposition. Much that was contained in the resolutions was a correct summary of the views of the President. The committee had examined the correspondence on this subject since 1832, at the time when the Senate disaffirmed the award of the King of the Netherlands, and in that correspondence they found an agreement in express terms, which had been in force since 1835, and which was the same as that embodied in these resolutions, "that, until this question shall be finally determined, each of the two parties shall refrain from the exercise of jurisdiction over any portion of the disputed territory, except such parts of it as may have been in the actual possession of the one or the other party." During the pendency of the new negotiation it became indispensable to enter into some arrangement on this subject, and Mr. Livingston proposed that this should be the understanding between the two parties. The Government of England concurred in this proposition, not hastily, for it was not answered till April, 1833, when the British Minister agreed to the terms of the proposition. [Mr. B. read from the correspondence, showing that the agreement was such as he had stated.] Here, he said, was a distinct proposition, accompanied with its distinct acceptance; and if it were necessary, and the time permitted, it could be shown that, from that time to this, the two Governments had adhered to this understanding.

Mr. B. said he would endeavor, in a few remarks, which he would pledge himself to confine within the limits of five or ten minutes, to show more fully what these resolutions were. The first resolution, in the strongest terms that could be used, denied the assertion made by Mr. Fox and Sir John Harvey, of the right of the British Government to exclusive jurisdiction over the disputed territory by an agreement, either express or implied, and set up and demonstrated a clear understanding between the two countries which was wholly inconsistent with the existence of any such agreement, and entirely in conflict with any such exclusive jurisdiction.

The second resolution justified the conduct of Maine through this whole affair, maintaining that she ought to drive out trespassers on the disputed territory, and that it was not reasonable cause of offence to the British authorities.

The third resolution went as far as possible, consistently with what was due to the British Government, in asserting the

rights of Maine to the disputed territory, because it asserted that if New Brunswick or Great Britain should persist in maintaining exclusive jurisdiction by force of arms, in that case the exigency under the Constitution and laws would have arisen, in which it would be the duty of the President to call out the whole force of the country to protect the property in the disputed territory.

And what was the fourth resolution? Was it not apparent, even from what the Senator from Maine had said, that this resolution was necessary? Mr. B. would not now enter at all into an examination of the conduct of Maine. But she was a brave and gallant State, and her feelings of hostility were greatly excited. Was there not, therefore, danger that, with 10,000 men at her command, she would rush into a conflict with the New Brunswick or British authorities? The fourth resolution, therefore, could do no less than declare that, if Sir John Harvey should first withdraw his forces, then, in the opinion of the United States Government, Maine ought to follow such an example of forbearance, and that, if she did not, then this Government would be under no obligation, after having done every thing it could for Maine, to afford her any protection under such circumstances, nor ought she to expect it. The fourth resolution, said Mr. B., simply defines our own position, and says that the Constitution and laws impose on us no such obligation as to protect Maine while pursuing a course contrary to the advice of this Government. If we adopt only the first three resolutions, they will be all on one side, and will lead Great Britain to believe that we are ready for war at once.

And what is the argument of the Senator from Maine? Sir, I was at a loss to conceive what motive a Senator from Maine could have in attempting to disprove this settled agreement. And what reason does he assign for even a wish that it might not exist? He says the negotiation may still be pending for years, and Maine does not want this understanding to be interposed between her and the possession of her territory.

Mr. Williams. I did not say we did not desire this understanding to exist. I only stated an objection to it, as here stated. The resolution affirms the agreement to be so and so, when, perhaps, it is still to be a subject of negotiation whether it is so or not, for the British Government is but too ready to hang negotiation on any practicable point that may possibly turn in their favor.

Mr. Buchanan. Sir, did not the Senator and others from

Maine represent it as a great hardship that, under this agreement, they could not enter into the disputed territory and settle it? And if they should do so, the peace of the country would be endangered, and this understanding is the only barrier in the way of Maine to prevent her from taking possession of the disputed territory. Sir, are we prepared for such a course which must inevitably and at once bring us into open collision with the British Government? For myself, I am prepared for that event if it must come, but I would pursue the course of honor and of right to the end of the controversy, and then, if hostilities must come, we may be a united people, and enter into them with energy and success. I presume the Senate are unanimously of the opinion that, if Great Britain persists in asserting her claim to exclusive jurisdiction over the territory, war is inevitable. And yet this is objected to by the Senator from Maine, because it contains an affirmance of the right of Maine. And why does he object to this? Because we have made this affirmation a year before, is there, can there be, any objection that we should again affirm it? And yet on this ground the Senator objects.

In regard to the claim to exclusive jurisdiction on the part of Great Britain, the Senator attempts to prove that there is no understanding on this subject, and for that purpose he goes back to the original correspondence, and presents from that a claim set up by Great Britain, which was derogatory to our rights, and degrading to the nation. And what was that claim? That we were to hold the United States—their soil, their independence, their existence—not in virtue of our own good swords, not in virtue of our independence, declared and achieved by our moral, intellectual, and physical energies, but as a base concession from England; and, therefore, as it did not appear that England had conceded to us the possession and jurisdiction of the disputed territory, it was consequently not ours. And how did the Senator from Kentucky [Mr. Clay] meet that degrading and insulting claim at the time? He met it with the highest honor and with irresistible triumph. And now the Senator goes back to that degrading claim, and follows up the train of events to 1832, when he ought to have begun precisely where he left off. And why? Because the state of things was entirely changed in 1832, when the award of the King of the Netherlands was rejected by the United States Senate, at the instance of Maine, and Mr. Livingston then proposed the present understanding, and made it as manifest as language could make it.

And what is it? That, while the negotiation is pending, each
the two parties should confine itself to rights already possesse
and to this Sir Charles Vaughan, in the most formal manne
gave his assent; and it is the only possible principle on which t
peace of the two countries can be maintained, because there
no hope of settling the controversy if either party has a right
rush on the disputed territory, and assert its possession a
jurisdiction without any prescribed limits. Sometimes th
agreement has been attempted to be violated; but in every i
stance, as I hope also they will in this, the British authorities ha
desisted from carrying out such violations. [Mr. B. here re
from the President's message an account of various cases
which England had refrained, when opposed, from extendi
her rights and jurisdiction in the disputed territory.]

Sir, (Mr. B. resumed,) I hope this settlement will co
soon. I do not say we should wait forever; and if Englar
persists in her claim to exclusive jurisdiction over the dispute
territory, all America will be united, and she will be successful
resisted. But if, on the other hand, this unfounded claim shou
be withdrawn on the part of England, and Maine herself shou
persist in the same violation of this agreement from whi
England forbears, there may be war, doubtless, but the count
will be divided. Sir, if there must be war, let it be a nation
war, and let it be on the side of right at every step, so that the
can be no question about it. And however I have been contin
ally the advocate of Maine, and never more than at this momen
yet I am unwilling that any of the individual States shou
compel us in our course, and force us to go to war. Sir, I belie
I have redeemed my pledge, and in a manner which I hope w
be satisfactory to the Senator from Maine.

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Mr. Buchanan. I have said all I intended to say on th
subject, and I leave it entirely with the Senate, stating this, ho
ever, that I believe the last clause of the fourth resolution is mo
important than all the rest. It is no threat, but simply a stat
ment that we will not be under obligation to bring the Unite
States forces to the aid of Maine, if she goes out of the pale
the Constitution by occupying the disputed territory with a mil
tary force; and if the last resolution is stricken out, I do n
think the resolutions ought to pass.

Mr. Williams now moved to strike out the last clause

the fourth resolution, denying the obligation of the United States to support Maine in case of her not withdrawing if New Brunswick should withdraw.

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Mr. Buchanan said: I repeat that I consider the last part of the fourth resolution as the most important part of the whole matter; and, lest this terrible anathema against a positive recommendation of the President may occasion some more response, I will read an extract from his message, which declares—

"These are still my views on the subject; and, until this step shall have been taken, I cannot think it proper to invoke the attention of Congress to other than amicable means for the settlement of the controversy, or to cause the military power of the Federal Government to be brought in aid of the State of Maine in any attempt to effect that object by a resort to force."

Sir, the resolution is not so strong as this. It does not negative our going to the aid of Maine, if she does not comply with the terms of the resolution, but merely asserts that we are, in that case, not under obligation to aid her, and that is the whole of it.

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Mr. Webster said: Concurring, Mr. President, in the general spirit of these resolutions, I should be glad if there could be some modifications made in the latter branch of the fourth and last, so as to insure for it my own approbation, and I should hope the unanimous approbation of the Senate. I cannot vote for it as it now stands. I must say that, in my opinion, there are well-founded objections against it. I concur with the Senator from Missouri in thinking that its sentiment is not constitutional.

Let us see, sir, how this fourth resolution stands. Its words are,

Resolved, That should the British authorities refrain from attempting a military occupation of the territory in dispute, and from enforcing their claim to exclusive jurisdiction over it by arms, then, in the opinion of the Senate, the State of Maine ought, on her part, to pursue a course of similar forbearance. *And should she refuse to do so, and determine to settle the controversy for herself by force, the adjustment of which is intrusted under the Constitution to the Federal Government, in such an event there will be no obligation imposed on that Government to sustain her by military aid.*

To the latter part of this resolution I entirely object. It is not fragrant of the true spirit of the Constitution of the United States. It seems to imply that, in certain contingencies, we shall

leave the State of Maine to carry on a war alone against England. It says, that if she shall not act as we recommend, but shall make use of her own force, we will not aid her. But will that fulfil our whole constitutional duty? Gentlemen say that they will not suffer all the rest of the States to be dragged into a war by Maine. Very well; but, then, neither must Maine herself be allowed to go to war, unless for reasons which shall induce this Government to go to war also. We need not re-enact the Constitution. We need not declare that no State can make war with a foreign nation. Hostilities commenced by a State are not lawful war. If a State declare war, it is still no lawful war, and it is, unquestionably, our duty to repress all such hostilities, until this Government is at war itself. It is wholly inadmissible to suppose any case whatever, however contingent, or however extreme, in which we may be quiet here, without dereliction of our duty, while one of the States is in arms against a foreign nation. No supposable or imaginable case would allow such a state of things. Yet this seems to be implied, in the last branch of this resolution. Hostilities, carried on by State authority, are no more lawful than irregular invasions by multitudes of private and unauthorized individuals. Unquestionably the duty of this Government is to prevent all such occurrences.

We, therefore, must set out, in the consideration of such subjects, with the conviction of this truth, that no State has a right to make war for itself any more than it has to make war for the whole country; or, as has been expressed, to drag the other States into it.

These resolutions were of course drawn up hastily, as time has been short.

Mr. Buchanan. They were not drawn up in two days.

Mr. Webster. I meant a compliment to the committee; but if gentlemen reject it, I will take it back. [Laughter.] There may be a state of things by which Maine may be involved in hostilities; and shall we then keep hands off? Shall we neither repress those hostilities, nor make the war our own, but leave her to fight out her own quarrel, in her own way? Sir, what American statesman can maintain such doctrines? This cannot be. We must prevent the war, or carry it on ourselves. And we cannot constitutionally declare by a resolution that we will or will not give her the military aid of this Government. For what is implied in that? That she may go on, and make a little war of her own, in which we may or may not take part, as we shall

be advised. This, I repeat, is the constitutional doctrine, fairly to be inferred from this latter branch of the resolution; and I again say, that it is a doctrine which I, for one, repudiate altogether. Maine is not our ally; she is part of ourselves. In whatever relates to our foreign relations, she has no capacity for separate action, and can neither make war nor make peace for herself. If she is invaded, she may repel that invasion, and it will be our duty to hasten to her aid with all our power. If she be not invaded, the power and the duty of vindicating her rights against foreign nations devolve on this Government; and she herself, in the mean time, is to keep the peace.

But I have another objection to this resolution. It seems to carry an imputation against Maine. It implies that there is reason to fear that she may violate her constitutional duty. Now I am not disposed thus to censure her in advance. I will impute to her no such purpose. Where is there any evidence that she "*determines to settle the controversy for herself by force,*" or that she is likely to come to any such determination? Thus far, she has made no such attempt. Why, then, should we rebuke her beforehand? Why suppose a case, and that a very improbable one, for no purpose but that of saying that, should it happen, we will reject her, and cast her off? This reproach, in advance, is unnecessary and unjust.

Why is it not enough to say, sir, that we will support the peace of the United States, that we will protect the interests of all the members of the Union, and vindicate their rights to the soil; that when there shall be a necessity for war, it shall be declared and waged by the whole power of this Government; but that, while there is peace, it shall be maintained by this Government? Sir, I repeat again, that there can be no possible state of things in which this resolution would be constitutional and just. If there is an invasion of Maine, she may repel it, and we must support her; and if Maine invade her peaceable neighbors with hostile forces, it is our duty to be there and prevent such invasion.

Sir, I concur cordially in the peaceful spirit of these resolutions; I would not hold out encouragement to acts which might implicate the peace of the country. But the case made in this fourth resolution is not actual; it is all suppositious. Maine has, as yet, done nothing which ought to be regarded as hostile. Why, then, shall we presume that she will not still do her duty? Is it not a matter of proper respect to the State to take it for

granted that, without an admonition or a rebuke from us, she will confine herself to those defensive measures which every body knows she may rightfully exercise? She has manifested no disposition to maintain exclusive jurisdiction by military occupation; yet that is just the predicament in which this resolution supposes she may hereafter place herself; but why get up a supposed case, in order to chide her, and to threaten her with being left to her fate? I should be glad, Mr. President, to be able to vote for all the resolutions; but I cannot vote for the last, unless this latter clause be struck out.

Mr. Buchanan said, since these resolutions have been met with extraordinary objections, I will make a few observations further. This body is truly the conservative body of the country and we are not to be deterred, through fear of giving offence, from marching forward in the course of our duty.

It appears to me that some of the arguments of Senators must of necessity involve the country in war; not a war of the whole country, but a war brought on we know not how nor what. What is the position of the Senator from Mississippi and of the two Senators from Massachusetts? It is, that this is the territory of Maine, and therefore we are to go to war forthwith. They support Maine in the occupation of this territory and let that proposition be adopted here, and the negotiation is ended, and then war is the immediate and inevitable result.

But has the negotiation ended? I admit there has been long delay. But has not the British Minister told us that he expects a speedy settlement of the main question? But if the negotiation has ended, every Senator knows that war is the immediate result. Senators are wrong on this subject. This disputed territory has never been in the possession of Maine. She never held it. This has been a vexed question ever since the treaty of 1783; and since the rejection of the award of the King of Holland, it has, on our part, been under the control of the treaty-making power of this Government, and Maine has no the right to the exclusive possession of the territory any more than England. It is withdrawn from the jurisdiction of both severally, and is under the joint jurisdiction of this Government and England, for the purpose of settling the controversy. But if this is the territory of Maine, and we are at once to maintain for her its possession, then the negotiation is ended, and we are already in a state of war. Maine has expelled trespassers and she did right to that extent. But Senators now say the

negotiation is ended, that the disputed territory belongs to Maine, and that we are bound by the Constitution to call forth the militia in defence of this territory. Sir, the President, in all this affair, has acted with caution and firmness. He sees the approaching storm. In Maine all parties are excited to the highest pitch, and, if we go there, they are rising by hundreds and by thousands.

It is alleged that a force of four or five thousand men, under the command of Sir John Harvey, is concentrating at the mouth of the Aroostook, and that he has given notice to the land agent of Maine that unless his men should disperse he would drive them away; and the hardy freemen of that State are rallying to the rescue. All this the President looks at boldly and calmly, with a fixed determination to support Maine against such an unjust attack; but having been placed in a position of exalted eminence by the people of the whole country, where duty requires him to stand above the excited feelings so natural to the single State directly interested in the contest, and to view the question in its bearings upon the whole Union, he says that, if Sir John Harvey should withdraw his forces, he will not, in that event, feel himself bound to send the forces of the United States to the support of Maine, should she determine to settle the controversy for herself by arms.

This territory has never been considered for a moment, from 1783 till now, as a part of Maine; and when we pledge ourselves to stand by Maine to the death, is it unkind or unconstitutional for us to adopt the last clause of the fourth resolution? The Senate in that do not say that, even if Maine should do wrong, a contingency might arise in which we would not rush to her rescue. We could not say that, although it would have been constitutional to do so. But we want to tell Maine that we are not under a constitutional obligation to aid her if she take possession of the disputed territory by her own force. And we do not require of her even a simultaneous withdrawal; but the British are to withdraw first, and we say, if they do that, as I hope they will, then we are under no constitutional obligation to sustain Maine in the possession of the territory, if she choose to attempt it by force.

Sir, much as I deprecate war, yet I more dread dishonor; and if Sir John Harvey persist in carrying his threat into execution, the Senate pledge themselves to war. And if we strike out the fourth resolution, and send the other three to Maine, with the speeches of the two Senators from Massachusetts, and the

Senator from Mississippi, we shall be at war before a fortnigh
And if we say to Maine, with the Senator from Ohio, [M
Allen,] we will support you, right or wrong, sir, we shall th
be governed by her impulses, we shall be led astray by the enth
siasm of Maine. For her I am prepared to go to war. But
wish to do it under such conditions that there can be no dispu
about the justice of our cause. And I am not willing to conclu
this proceeding without expressing to Maine our decision th
the question is exclusively with us, and not with her. As
regards mere modifications of the resolutions, I am in favor
them as far as they can aid in effecting unanimity. But as f
as the principle is concerned—that the question is ours—that
cannot abandon; and on that I had trusted and confidently hop
that we should have unanimity in the Senate.

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The vote was now taken on the question of striking out th
last clause of the fourth resolution, and it was decided in th
negative, by yeas 18, nays 26.

The President said it would be in order.

Mr. Webster said: I move, then, sir, to strike out the la
clause of this fourth resolution, and insert the words propose
by the member from Illinois.[1]

Mr. Norvell suggested that these words might be amende
by saying "the vindication of her rights," instead of the "redre
of her grievances;" so as to read, "and leave the ultimate vind
cation of her rights to the Government of the United States,
which it rightfully and constitutionally belongs."

Mr. Webster said he liked this change of words, and adopte
it with pleasure; and asked to have the whole resolution the
read, in order to see how it would stand, if thus amended.

The Secretary having read the resolution as proposed b
Mr. Webster to be amended—

Mr. W. said: There, sir. I can understand that; it savo
of the true doctrine, correctly describes the duties of Maine, an
our own duties; it has the spirit of the Constitution in it, and
trust the Senate will adopt it as it stands.

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[1] Mr. Young, of Illinois, had moved to strike out the last clause of th
fourth resolution, and to insert, "and leave the ultimate adjustment of h
(Maine's) grievances to the Government of the United States, to which
rightfully and constitutionally belongs."

Mr. Buchanan said this modification would change entirely he import of the substitute proposed by Mr. Young.

Mr. Webster thought otherwise.[1]

REMARKS, MARCH 2, 1839,

ON THE BILL TO GIVE THE PRESIDENT ADDITIONAL POWERS TO DEFEND THE COUNTRY AGAINST INVASION.[2]

The bill from the House giving to the President of the United States additional powers for the defence of the United States in certain cases against invasion, and for other purposes, was received, the 16th joint rule in the way of its reception was suspended, and the Senate proceeded forthwith to consider the bill. After the bill had been read the first time—

Mr. Buchanan observed that the bill from the House, now before the Senate, entirely met his approbation, with perhaps a single exception. Under all the circumstances, he doubted the policy of sending a special minister to England; but he should make no motion to strike this provision from the bill, unless his doubts might be fortified by the opinion of other Senators. With this exception, if such it ought to be considered, the bill, he believed, was just such an one as the Committee on Foreign Relations would have unanimously reported to the Senate, had it not been deemed more proper that this measure should originate in the House. It was precisely in accordance with the resolutions which had passed the Senate last night, by which we pledged ourselves, that in case the British Government should attempt to take possession of this disputed territory, we would stand by the President of the United States, and sustain him with all the military power of the nation in repelling this aggression. This bill contained no provisional army. It simply authorized a resort to the militia and volunteers, in case it should become necessary to call out a military force before Congress could be convened, and appropriated the money necessary to accomplish the object. Mr. B. agreed with his friend from Missouri, [Mr.

[1] Mr. Webster's motion was carried by a vote of 24 yeas to 21 nays. The first three resolutions of the Committee on Foreign Relations were agreed to by 44 yeas to 1 nay (Mr. Ruggles); the fourth resolution, as modified, was unanimously adopted.

[2] Cong. Globe, 25 Cong. 3 Sess. VII. 238, 239–240.

Benton,] that it was unnecessary to refer this bill to a committe as it was plain and simple in its provisions, and the session near its close. As to the propriety of sending a special minist to England—he would be glad to hear the opinion of oth Senators on this subject.

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Mr. Buchanan said that, even at this late hour of the nigh considering the position which he occupied in relation to t subject, the Senate would excuse him for asking their attenti for a few moments, whilst he replied to the remarks of the Senat from New Jersey, [Mr. Southard.]

For my own part, said Mr. B., I am not excited in the sligh est degree, but am calm as a summer's morning; nor do I belie that the Senate required a caution against acting under viole impulse. I confess that, throughout the whole proceeding, I ha been only anxious that we should act with such coolness, su dignity, and such discretion, as would secure the approbation the country. This important object has, I think, been acco plished. The justice of our cause is palpable; and I have or labored to prevent it from being obscured by the adoption of a measure, in the assertion of our rights, on which our constituen could be fairly divided in opinion. It was for this reason tha have come into conflict with the State of Maine in relation to t fourth resolution reported by the committee. Although I pr ferred that resolution as it originally stood, because it was mo precise, yet the change in the last clause does not materially affe the meaning; and it has procured an unanimous vote in its favor a consummation much to be desired. Should Maine act in accor ance with the spirit of this resolution, then if war must come, will find the country unanimous. On the part of Great Britain, will be a war of pure aggression, waged, during the pendency peaceful negotiations, for the purpose of assuming exclusi military jurisdiction, against the clear understanding between t two Governments, over a territory to which she has not even color of title. In such an event, the only alternative is war national dishonor; and between these two, what American c hesitate? Force must be repelled by force; or national degrad tion is the inevitable consequence. I confess, however, it is st difficult to believe that Great Britain will madly rush into such contest for an object so inconsiderable. This is a question f

r own decision. All we have to do is to stand on the defensive, d exercise forbearance until the shock of arms shall render 'bearance no longer a virtue.

I would ask the Senator from New Jersey what is there in s bill which is not precisely in conformity with the resolutions animously adopted last night? Which was the most important all these resolutions? Was it not that one which declared that, the British Government should, in pursuance of its avowed ermination, attempt, by military force, to take possession of the puted territory, that we would sustain the President in defend- the rights of the country, and repelling this invasion? This is single principle clearly and strongly expressed in the fourth olution. What, then, do we propose to do by this bill? Merely carry out this principle in practice; and that, too, in the mildest m consistently with the safety of the country. Would we not ke ourselves a ridiculous spectacle before all mankind, if we uld adjourn, after adopting this solemn resolution, and leave President, without a dollar, to defend the country, in case it uld be attacked? We first pledge ourselves in the most solemn nner to sustain him; and, when called upon to redeem our dge, we prove recreant to this duty which, but yesterday, we posed upon ourselves. Is there a single Senator here prepared act such a part?

This bill is in fact but little more than a contingent appro- ation of $10,000,000, placed at the disposal of the President, enable him to call forth the militia, in execution of the Consti- ion and the existing law, for the purpose of repelling the eatened invasion of the disputed territory. It is true that the n of service is extended from three to six months, and the sident is authorized to accept of the services of volunteers. ese are the only changes in the old law effected by the bill. It s not propose to add a soldier to the regular army. Until the t meeting of Congress, it relies exclusively upon the present y, militia and volunteers of the country, to repel the invasion the disputed territory. Now, I ask, what less can we do, ess regardless of our duty, we should determine to adjourn lst war is impending over us, without providing any means defence? And yet the Senator from New Jersey fancies that sees in the bill a menace to England; and he dreads a rushing armed citizen volunteers across our frontier for the purpose

of invading the territory of a friendly power. But what sa
the bill? Unless the contingency should happen for which
provides, these volunteers will remain at home. They can nev
be embodied without the orders of the President. They cann
move towards the frontier until the event shall occur on which
have solemnly declared that we will cordially co-operate with t
President in defending the interest and honor of the countr
What, then, is the inevitable consequence of the Senator's arg
ment? That we shall adopt no precautionary measures to repe
threatened invasion, lest perchance they may be construed into
menace by the invading power. The gentleman has not seen t
point to which his own argument would lead him. If he had,
never would have been advanced. Besides, this argument impl
a want of confidence in our citizen volunteers, which I do not fe

If we adjourn without passing this bill, we shall rich
deserve the reputation of being a Government valiant in reso
tions upon paper—a Government mighty in words, but contemp
ble in action. We should become the scorn of our constituents.

But this bill is called a threat. A threat! To prepare
war, when an intention to invade our territory has been avow
is a threat which may offend our powerful neighbor! Such w
not the opinion of General Washington. He believed that
prepare for war was the best mode of preserving peace. Weakn
always invites aggression. Fortunately, or unfortunately, for
from the very nature of our institutions, we shall never be w
prepared for war; but for this very reason, when we have ca
to apprehend immediate danger, our exertions ought to be
much the more vigorous. We now find that Sir John Harvey
collecting and concentrating his forces, which it is said
amount to four or five thousand regular troops, with the avow
purpose of making a descent on the disputed territory, a
placing it under the exclusive jurisdiction of England. When t
danger is impending, shall we place ourselves in the contempti
position of resolving that the State of Maine shall be defend
and then re-resolving that it shall not be defended, lest it mi
give offence to the British Government? We can never avert
by base submission; and if we could, the people of this coun
will never purchase peace at the price of self-degradation.
sir, never. If the British Government should ever complain
this bill as a threat, our Minister can point with confidence to

ter and proclamation of Sir John Harvey, in which he has first reatened to take military possession of the disputed territory, der the express command of his sovereign. He can show that e menace first came from her Majesty's Government; and that r proceedings have been purely defensive. This bill contains provision which goes further than adopting the necessary eans of self-defence, in case a foreign foe should invade our tive land. If my neighbor should be in the very act of attempt- g to deprive me of my property by force, and I should stand on the defensive, he might, with the same propriety, turn about d accuse me of threatening him.

Whilst I am in favor of defending the just rights of Maine the last extremity, I am also disposed to inform her distinctly, at if, in violation of the Constitution, which confers upon the xecutive of the Union the treaty making power, and in violation the clear subsisting understanding between the parties, she will come the aggressor, and attempt permanently to occupy the sputed territory by force, we are under no constitutional obliga- n to come to her aid, however difficult it might be, even in such ase, to resist her appeal. In the language of the amendment de to the fourth resolution, it is her duty to leave the ultimate ndication of her rights to the General Government, to which it ghtfully and constitutionally belongs. Hands off from this rritory on both sides, whilst negotiations are pending. During s period, the question belongs exclusively to the General Gov- nment. It would be forever a source of regret, both to Maine rself and to the whole country, if she should not withdraw her rces from this territory, in case Sir John Harvey should set her e example, desisting from attempting its military occupation.

I deprecate war; but in a just cause I do not dread it. If it ould come now, it will be inevitable, and we may appeal to the orld for the justice of our cause. Our course has hitherto been rrect in asserting our rights. I trust and believe that Maine ll not embarrass us in pursuing it to the end. That she has use to complain, I cheerfully admit; but let her continue to rely on the General Government, and when the crisis shall arrive, if rive it must, she will find the country as one man rushing to her scue. On the contrary, should the patriotic but excited feeling hich now seems to pervade her citizens drive them into acts of gression, and involve us in war, the best cause will be weakened

by such conduct, and distraction and division among the citizens of the other States may be the consequence. Let her be prudent as well as firm. This controversy must soon be ended either by negotiation or by arms. Let her patiently and patriotically await the result unless the territory should be actually invaded.

TO MR. TATE.[1]

LANCASTER 26 March 1839.

DEAR SIR/

I have received your favor of the 22d Instant, informing me that in pursuance of a Resolution of the assembled Democracy of Berwick Township, you had placed my name at the head of the Sentinel as a candidate for the Vice Presidency; & asking whether I will consent to become a candidate for that office.

Although I feel deeply grateful for the kind feelings manifested towards me by so respectable a portion of my Democratic fellow citizens; yet a sense of duty towards the Democratic party of the Union, as well as the preference which I feel for my present situation in the Senate, induce me to decline the nomination. The practice, since the origin of the Government, has been, I believe, to select a President & Vice President from different grand divisions of the Union; and this practice is well calculated to promote harmony among all the States. For my own part, I entirely approve of this arrangement & think it ought not now to be changed.

Mr. Van Buren will again by common consent be the candidate of the Democratic party for the Presidency; & should Col: Johnston decline a re-election, the N. C. will undoubtedly select his successor not from a State adjoining New York, but from one of the Southern or South Western Democratic States. Under this conviction, permit me respectfully to request, that you will not continue my name as a candidate for this office, at the head of your columns.

Yours very respectfully

JAMES BUCHANAN.

LEVI L. TATE Esq.

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[1] Buchanan Papers, private collection. Mr. Tate was the editor of the Berwick *Sentinel*.

TO GENERAL JACKSON.[1]

LANCASTER 9 April 1839.

Y DEAR GENERAL,

Although a long distance separates us, and we may never eet again on this side of time; yet my thoughts often dwell upon ou, and I contemplate the evening of your days, which may eaven prolong! with calm and unalloyed pleasure. Should you : spared a very few years, you will live to witness the inevitable id just award of posterity upon your public conduct. Already e selfish passions which blinded the judgment of your former vilers have sensibly subsided, and ere long the almost unanious voice of a free people will do you justice.

I had anticipated, with heartfelt pleasure, a visit to the ermitage during the present Spring. Indeed I had made my rangements to go to the South West at the end of the late ession of Congress; but the death of a beloved sister, a few ays before its close, caused me to abandon my purpose. I still erish a hope that we may yet meet again on earth.

Although not a member of any church myself; yet I was atified to learn, both for your own sake and that of the example, at you had borne a public testimony to the truth and power of ligion. It can alone convert the inevitable ills attendant upon manity into positive blessings and thus wean us from this orld; and make death itself the portal to another and a better ate of existence. My poor sister died a triumphant death.

The Country is now, I fear, in a critical condition. In one spect we are a strange people. Experience seems to be lost upon s. Although the expansions and contractions of the Banking stem have periodically ruined thousands of our best and most nterprising citizens; yet we still continue to rush on in the same ad career. The signs of the times are portentous of another spension of specie payments, although such an event is to be precated; yet should it come, human ingenuity will not be able furnish a pretext for charging it on the Government. The anks have had their free sway. In that event, the final separaon of Bank and State can no longer be retarded.

In Pennsylvania, the folly and wickedness of the Whigs and

[1] Jackson MSS., Library of Congress.

Antimasons, in attempting to nullify the late election and force into the Legislature the defeated Whig Candidates of the County of Philadelphia, and thus usurp the Government, have greatly strengthened the Democratic party. With honest and discreet measures on the part of our State Government, and I have great confidence in Governor Porter, we shall maintain our ascendancy without difficulty. Bye the bye, you will be amused to learn, that during our late tremendous Gubernatorial struggle, hickory poles were raised in many places with flags bearing the inscription of Jackson and Porter: so that you perceive, your name is still the battle cry in the Keystone State. Her people have been as true to you, as you have been to them.

I wish the prospects of Mr. Van Buren in New York were as bright as they are in Pennsylvania. I fear he has lost that State irretrievably. Our chief remaining reliance there must be on the folly of the Whigs, who generally abuse power in such a manner as to disgust the people, whenever they acquire it. New York is a State in which the Banking interest has insinuated itself into the very fibres and nerves of society. I was diverted with a remark of Mr. Calhoun on the subject of this free Banking law. He said he had not anticipated the final downfall of the present Banking system for some years to come; but that this free Banking, should it extend over the Country, would very soon finish the work effectually.

What noble efforts they are now making in Virginia in favor of the good cause! The Richmond Inquirer abounds in articles of surpassing ability. Ritchie is making an effort which would cover a multitude of past political errors. He has fairly abandoned Rives for the sake of his country. Both he and Judge Parker calculate, with much confidence, upon victory. To lose Virginia, at this crisis, would be a severe blow to the Democratic party throughout the Union; but from all I can learn, the issue is scarcely any longer doubtful.

I cannot believe that the British Government will go to war with us in a cause so trifling and so unjust, as their claim to the disputed territory; when every blow which they would aim at us must recoil upon themselves. Their prosperity is now almost identified with ours. Still they are an arrogant and domineering people; and their history presents but few, if any, examples, in which they have surrendered any claim no matter how unjust, for

vhich they have long and seriously contended, without fighting or it. Besides, the present Ministry may be too weak in popular onfidence to be able to afford to do us justice. They are living pon expedients from day to day. They are a sort of juste milieu oncern and are only maintained in power by the mutual jealousy f the Tories and the Liberals. It is possible that a dread of losing ieir places may occasion a war between the two countries. Still do not seriously apprehend such a result.

Your old friend Webster made a most terrific war speech late ne night, in the Senate and was clapped for his ardent patriotism. Ie would not give the British Government longer than until the ext fourth of July to surrender up the disputed Territory. On iat day we must take possession of it, peaceably if we could, orcibly if we must. "But a change came o'er the spirit of his ream." Whether it was the desire of obtaining the special Iission, or any other cause, certain it is, that he explained it all way in his letter to Mr. Ogden which you have doubtless seen. Ie is now ready to present the olive Branch as well as the sword o England.

Please to remember me in the kindest terms to your son and aughter and to Miss Donelson, and believe me ever to be your evotedly attached friend

JAMES BUCHANAN.

GENERAL ANDREW JACKSON.

TO PRESIDENT VAN BUREN.[1]

LANCASTER 11 May 1839.

EAR SIR,

The enclosed is part of a letter which I have received from harles A. Bradford Esquire of Pontotoc, Mississippi. The mainder of it relates to private business.

With the character of Mr. Bradford, you are probably quainted. He went to Pontotoc a few years ago and established Democratic paper there in which he was successful. He is now gentleman of high standing with his party and at present holds 1 office in that State; but I do not recollect what. He is nearly

[1] Van Buren MSS., Library of Congress.

connected with Mr. Macpherson; and, with Mr. T. P. Moore, has long been anxious to procure a Diplomatic or Consular appointment for that gentleman.

With Mr. M'Pherson I am not certain that I am acquainted; yet from the enclosed letter and from other information, I believe him to be eminently qualified for the Station to which he aspires. I should personally feel much gratified at the success of his application; at the same time I do not wish to interfere in such a manner as might defeat the claims of Dr. McClintock, Mr. Rogers or Mr. Patton of this State. I presume, however, that the first named gentleman is satisfied with his present appointment; although I have not heard from him since he received it. I think there are strong political reasons why Mr. McPherson should obtain some appointment; but doubtless you are better acquainted with all the facts and circumstances than I can be.

I returned yesterday evening from an excursion to New Jersey, where I went for the purpose of putting a little girl to school. I passed one day at General Wall's and another at Mrs. Harrison's. From all I could learn from the General and others, our prospects are daily growing brighter in New Jersey.

For the last month or six weeks, I have read the Richmond Inquirer, with admiration. Many of the editorials and communications are written with surpassing ability. Ritchie's recent conduct has merit enough in it to cover all his past sins. May Heaven send the party a safe deliverance in that State! My hopes are high of success.

I have not the least idea that the Harrison Antimasons of the State can ever be induced to abandon him and support Mr. Clay; and although I have no confidence in the Whigs, yet I now begin to believe that they have gone too far to abandon Mr. Clay, in case he should be nominated by the National Convention. No calculation however, can be made upon their conduct; for with honor and patriotism constantly upon their lips, as a party in this State, they have always abandoned the right to pursue what they deemed the expedient. In any event, however, I think we have nothing to fear.

I hope Lord Palmerston's convention may be such an one as you can accept. Judging from the extracts from English Newspapers which I have seen they do not seem to understand the question in that Country; and although they appear to be averse

to war, yet no disposition has been publickly manifested to yield to us our unquestionable rights.

From your friend
very respectfully

MR. VAN BUREN. JAMES BUCHANAN.

[No enclosure.]

TO MR. CARPENTER ET AL.[1]

HARRISBURG, June 17, 1839.

GENTLEMEN: I have been honored by your kind invitation to a public dinner, to be given when it might best suit my convenience, during my visit to this place. The approbation of my public conduct by the democratic members of any legislature of my native state would inspire me with the most grateful feelings; but

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[1] Niles' Register, June 22, 1839, vol. 56, pp. 267–268; reprinted from the Harrisburg *Keystone*, June 10, 1839. Mr. Buchanan having visited Harrisburg, he was invited by the Democratic members of the Legislature to dine with them. The invitation read as follows:

"HALL OF THE HOUSE OF REPRESENTATIVES,
"HARRISBURG, June 15, 1839.

"DEAR SIR: Hearing of your temporary sojourn in this place, the undersigned Democratic members of the Senate and House of Representatives, in testimony of their high sense of your services in the cause of liberal principles; and especially in the course you have pursued in sustaining the President of the United States in his firm stand in favor of a well regulated and well guarded depository of the public treasure, under the strict control of officers of the general government who are immediately responsible to the laws and the people, as contradistinguished from a depository in *irresponsible* private associations of individuals or corporations, tender to you a public dinner at such time as may suit your convenience." [Here follow the names of the signers which appear at the end of Mr. Buchanan's reply, as given above.]

The Harrisburg *Keystone*, June 10, 1839, contains the following paragraph:

"On Monday evening an entertainment was given at Nagle's, at which all the Democratic members of the legislature, together with the governor, heads of department, and many citizens of various parts of the State attended. The assemblage was characterized by great hilarity, good feeling, and zeal. Several interesting and eloquent addresses were delivered during the evening, among which were addresses by Mr. Buchanan, Mr. Ingersoll, Col. Porter, Col. Parsons, and others. The toasts were pointed and appropriate."

emanating as it now does from that faithful, able and devoted band by whose patriotism, firmness, and discretion, our beloved commonwealth has been saved from a revolution in its government, I feel it to be a reward far beyond my desire. All I can promise in return is, that I shall endeavor, by pursuing the same course which has won your favor, to merit its continuance. I regret that I cannot accept your invitation, as my engagements require me to leave Harrisburg to-morrow morning.

When Mr. Van Buren first recommended to congress the adoption of the independent treasury, as the leading financial measure of his administration, I took my stand in its favor, from the firmest conviction that it was a just and necessary measure. Its true character was at first misunderstood by many of the best and wisest democrats of the country; and it was misrepresented in such a manner by the satellites of the banking power as to cover it with a cloud of prejudice. The cloud has already been dissipated by public opinion, the sovereign arbiter of all political measures under our form of government; and viewed in the light of truth, it now stands as a monument of the wisdom, firmness, and patriotism, of its distinguished author. Its final success, and that at no distant day, seems inevitable. Another bank of the United States is repudiated, at least for the present, by the leading members of that party who were formerly its devoted friends. What, then, are the remaining alternatives for the safe-keeping of the public money? Does any man now seriously believe that, for this purpose, the people will again resort to a league of affiliated state banks, and pour the public treasure into their vaults, and thus again convert it into an engine of ruinous expansions and contractions of the currency, and of new political panics and pressures? Shall we place our money under the custody of corporations which in the day of trial, when we shall most require its use to sustain the honor and interest of the country, may again convert it into irredeemable bank paper? Above all, shall we, who profess to be the friends of state rights and the liberties of the people, bind together by bonds of mutual interest the eight hundred banks of the country and the chief executive magistrate; and thus place under his control instruments of corrupting influence throughout every state of the union of more extensive power than was ever wielded by the bank of the United States? If the democracy of the country be not willing thus to put them-

selves in subjection to the banking power, the only remaining alternative is the independent treasury. This measure is so simple in itself, and so conformable to the spirit and letter of the constitution, that it could not fail, when freed from the mists of prejudice, to command the approbation of the people. By its adoption, we merely propose to return to the practice which prevailed for some time after the origin of the federal government, and entrust the safekeeping of the public money to agents responsible to the government of the people, instead of banking corporations responsible only to their own stockholders. The public money is now collected by responsible officers, and it is disbursed by responsible officers; why then, between the time of its collection and disbursement, should it be confided to irresponsible banks? This is the sole question.

By depriving the banks of the custody of the public money, you will not injure any one of them which is conducted on sound and safe principles. It is true that the establishment of the independent treasury, besides diminishing their profits in a small degree, by taking from them the use of the people's money, to which they have no just claim, may require them to keep in their vaults a somewhat larger amount of gold and silver than heretofore; but this will be one of the greatest incidental advantages of the system. This required increase of the precious metals will, however, I fear, prove wholly inadequate to restrict the banks within those safe limits which will secure to the public a paper circulation at all times convertible into gold and silver. I merely throw out these hasty hints on the great subject to which you have thought proper to advert, and which is making such rapid advances in the public favor. With sentiments of grateful respect, I remain sincerely yours,

JAMES BUCHANAN.

SAMUEL CARPENTER, JOHN MILLER, HENRY MYERS, and THOMAS C. MILLER, on behalf of the Democratic members of the Senate.

THOMAS B. MCELWEE, STOKES L. ROBERTS, J. R. SNOWDEN, WILLIAM MCKINSTRY, CHARLES PRAY, MILES N. CARPENTER, E. W. HAMLIN, and WM. FIELD, on behalf of the Democratic members of the House of Representatives.

FROM PRESIDENT VAN BUREN.[1]

WASHINGTON Decr. 27. 1839.

DEAR SIR

The office of Attorney Genl. of the U. States has become vacant by the resignation of Mr. Grundy. Although I have no reason to suppose that it would be desirable to you to change your present position in the public service, I have nevertheless felt it to be my duty to offer the seat in my Cabinet which has thus been placed at my disposal for your acceptance, and to assure you that it will afford me sincere pleasure to learn that it will be agreeable to you to accept it;—a sentiment in which those who would be your associates, will, I am confident, cordially participate.

Should you decide otherwise the occasion will have been presented, & cheerfully embraced, to express the high sense I entertain of your talents and also my confidence in your patriotism, & friendship for the administration.

Please to let me hear from you at your earliest convenience, & believe me to be

Very respectfully, & truly your friend & obednt. Servt.

M. VAN BUREN.

THE HONBLE
JAMES BUCHANAN.

TO PRESIDENT VAN BUREN.[2]

WASHINGTON, Dec. 28th, 1839.

DEAR SIR:—

I have received your note of yesterday evening, tendering to me the office of Attorney-General. Whilst I regard it, with grateful sensibility, as a distinguished mark of your kindness and confidence, yet I prefer my position as a Senator from Pennsylvania to the Attorney-Generalship, high and honorable as it is justly considered. Nothing could induce me to waive this preference, except a sense of public duty; and happily upon the present occasion, this presents no obstacle to the indulgence of my own inclination. Devotedly attached, as I am, to the great principles upon which your administration has been conducted, I feel that I can render a more efficient support to these principles on the floor of the Senate than I could in an executive office, which, from its nature, would necessarily withdraw me, in a great degree, from

[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 452.

[2] Curtis's Buchanan, I. 452.

the general politics of the country, and again subject me to the labors of the profession.

Permit me to embrace this occasion of again respectfully reiterating my earnest desire that you would confer this appointment upon Judge Porter. I believe him to be eminently qualified to discharge the duties of the station; and that it would be highly gratifying to the Democracy of Pennsylvania to be represented in your cabinet by a gentleman who enjoys so large a portion of their confidence.

With the highest esteem, I remain very respectfully your friend,

JAMES BUCHANAN.

1840.

TO GENERAL PORTER.[1]

Confidential.

WASHINGTON January 8th. 1840.

MY DEAR SIR,

The end has come, and notwithstanding all my protestations to the contrary, the office of Attorney General was first offered to Mr. Dallas and he having declined it, it was tendered to Mr. Gilpin, and he has accepted it. That this was the President's purpose from the beginning I entertain not a doubt. Thus every avenue to a Cabinet office during Mr. Van Buren's administration is closed against any Pennsylvanian; and the President's disposition towards myself is proclaimed upon the house-top. This shall not influence me in the slightest degree to swerve from the path of duty, but it has changed my personal feelings and will in some degree affect my personal relations with the President.

from your friend sincerely,

JAMES BUCHANAN.

GEN. DAVID R. PORTER.

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[1] Buchanan Papers, Historical Society of Pennsylvania.

REMARKS, JANUARY 10, 1840,

ON THE BOUNDARY BETWEEN MISSOURI AND IOWA TERRITORY.[1]

The Vice President presented a memorial from the Legislative Council of Iowa, praying a settlement of the contested boundary line between said Territory and the State of Missouri.

Mr. Buchanan said that this was in its nature a question purely judicial, and therefore one on which the Senate ought to act with perfect calmness and deliberation. They ought to hear both sides patiently; and their decision, whatever it might be, ought to carry with it that moral power which always resulted from strict impartiality and thorough, as well as calm investigation. But what did we then witness? The question had been discussed whether, in case Congress should decide against Missouri, that State would afterwards have the power of appealing to the Federal Judiciary. But could it be of any possible benefit to Missouri to discuss this question in advance? It was possible the question might never arise; and if it did, in consequence of a decision by Congress against Missouri, she might then pursue the course which she thought most compatible with her interest and her honor. The question as to the jurisdiction of the Supreme Court of the United States over the subject could never properly arise in this body.

Again: an attempt had been made to renew the war between Ohio and Michigan in the discussion of this question. They had had enough of this war in the Senate in former years to satisfy any reasonable man; and he trusted that question would not then be conjured up to disturb our repose. It was now over and gone.

Mr. B. hoped the Senate would proceed and settle the real question in controversy, so far as it was competent for them to decide it, without entering upon an exciting discussion of one question which might never arise, and of another which had been already determined. He trusted that the letter would be referred to the Judiciary Committee without further debate.

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[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 111.

REMARKS, JANUARY 17, 1840,

ON THE MAINE BOUNDARY DISPUTE.[1]

On motion of Mr. Buchanan, in accordance with his promise on yesterday, the Senate took up the resolutions offered by Mr. Williams, calling on the President of the United States for the correspondence, not already communicated, with the British Government, on the subject of the Maine Boundary, and with the British Minister and the Governor of Maine relative to the invasion of the State of Maine, and the exercise of jurisdiction in the disputed territory.

The question being on the following additional resolution, offered by Mr. Ruggles:

Resolved further, That the President be requested to communicate to the Senate, so far as may not be incompatible with the public interest, whether any, and, if any, what measures have been taken, under the act of Congress of March, 1839, or otherwise, to cause the removal or expulsion of the British troops which have taken possession of a portion of the territory of Maine claimed by Great Britain; and especially whether, since the last session of Congress, any military posts have been established in Maine, or any other military measures adopted, preparatory to a just vindication of the honor and rights of the nation and of Maine, as connected with the persevering claim made by Great Britain to a portion of the territory of that State.

Mr. Buchanan said he scarcely knew what to say on the subject of this resolution. It would seem to contain an implied censure upon the President, which, in his humble opinion, was wholly unfounded. In regard to the course pursued by that distinguished officer in this very important and delicate matter, there was but one sentiment in this country, and all political parties had evinced their approbation of it. But the resolution of the Senator [Mr. Ruggles] called upon him to communicate to the Senate whether any and what measures have been taken under the act of March, 1839, or otherwise, to expel the British troops from the disputed territory; and whether, since the last session, any military posts have been established in Maine preparatory to a just vindication of the nation's honor. Now, (said Mr. B.) every Senator knows perfectly well the only answer which the President can give to these interrogatories. Indeed, this answer has been substantially given in advance. In his annual message, dated on the second December last, he has informed us that he had not touched a dollar of the $10,000,000 confided to him by

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 126–127.

the act of March, 1839; and he then surrendered up the trust which had been confided to him by Congress. And why did he pursue this course? Simply because the contingency had not happened upon which he could have applied this money. There had been no invasion of our territory, or any imminent danger of such an invasion. There had been no attempt on the part of Great Britain to enforce by arms her claim to exclusive jurisdiction over the disputed territory. So far from it, that a solemn agreement had been entered into with the British authorities for the express purpose of preventing any such attempt from being made by either nation. It was not until about the first of January that the President could possibly have heard that two companies of British troops had been stationed at the Temiscouata lake, because the letter of Governor Fairfield, communicating this information, was not dated until the 23d of December. And yet the Senate are gravely called upon to adopt a resolution, asking the President whether he has taken any measures, under the act of March, 1839, to expel these troops—in the very face of his message of the 2d December last, declaring that he had not found it necessary to use any of the powers conferred upon him by this act. Nay, more. If the President had established military posts in the disputed territory, his conduct would have been justly censurable, and would have afforded to the British Government the same cause of offence as they have afforded to us, unless it should be satisfactorily explained, in recently stationing troops at the Temiscouata lake. The President's answer to these inquiries, we all know, must be in the negative; and it would, therefore, seem that the object was to cast an implied though a very unjust censure upon him for having done nothing.

Mr. B. said he did not know what course the President had pursued since the receipt of Governor Fairfield's letter. He presumed, however, that, as a matter of course, he had protested against this military occupation of the disputed territory by the British authorities as a violation of the subsisting agreement and of the rights of Maine, and had asked an explanation from the British Minister. Before he attempted to expel these troops by force, he must call upon Congress to furnish him the means. Indeed, we as yet know nothing of the particular circumstances attending this military occupation, except what is contained in the letter of Governor Fairfield; he should, therefore, be glad if the Senator from Maine would withdraw his resolution; but, if

he did not, Mr. B. would not object to its passage. All the information which it was in the President's power to communicate would be elicited, if it could at this time be properly communicated, by the two resolutions of the Senator's colleague. [Mr. Williams.]

Mr. B. said that, on the question of the Northeastern boundary, the conduct of the President had hitherto been so fortunate as to satisfy even his political opponents. It had combined prudence with firmness, and had received the approbation of almost every reflecting man in the country. The negotiation on this important question was, if he might be permitted to use the expression, now at its very crisis; and the President had deemed it inexpedient to communicate to Congress any of the correspondence which had taken place between the two Governments since the close of the last session, doubtless because he deemed that it might have an injurious effect upon the negotiation. Judging by the past, (said Mr. B.) surely we ought to have sufficient confidence in the President to wait for a short period, and not be calling upon him for communications which may be injurious to the public interest, and which, if so, ought to be withheld. The final result of the negotiation will probably soon be known; and will then, as a matter of course, be submitted to Congress, with all the correspondence.

Allow me, said Mr. B., to make one general remark before I take my seat. I am very apprehensive that we may have serious difficulties with the British authorities before the close of this controversy. My earnest desire is, therefore, that our proceedings may be marked with such justice, moderation, and firmness as to justify us in the eyes of all mankind. A contest must be avoided, if this be possible consistently with national honor; and then, if it should be forced upon us, we shall be a united people.

He made these remarks without any knowledge upon the subject other than that in the possession of every Senator.

Mr. Ruggles said he concurred fully in the resolutions of his colleague, asking for copies of correspondence. But Mr. R.'s amendment went further, and asked information as to what had been done—not merely what had been said, but what had been done by the President; and Mr. R. would be glad to know what had been done under the act of 1839, or by any other authority. He had not been aware that his amendment could be construed into any disrespect or censure of the President: certainly it was not intended. It was a simple inquiry; and if the President had

not done what he ought, Mr. R. would leave that matter to be decided by the State which he represented. Mr. R. also believed that the President might have done something since the second of December, under some authority, which he had not yet made known, and which it was worth while to know. He at least might have taken some precautionary measures, such, at least, as making surveys, for it was to be presumed that the President had his eye on what was known to the public, especially as he could not but have apprehended the risk of difficulty as well as the Senator from Pennsylvania and Mr. R. himself.

They had learned from the President himself, that commissioners had been appointed to make a survey of the country, and report, not to this, but to the British Government. And what had that commission done? They had gone up the St. John's river, crossing the line on their way to the west, to the head waters of the St. John's, which were contiguous to those of the Aroostook; and they had then gone down the Aroostook, and had entirely avoided that section of country which was designated by the treaty of 1783, and where the highlands were to be found as pointed out by the treaty. And now Mr. R. would ask the Senator from Pennsylvania if he believed for a moment that all this was for the purpose of ascertaining the facts in regard to the treaty? It had, on the contrary, been apprehended that thus, under cover of the treaty, it was for the purpose of seeking out military posts, and not of finding those marks and monuments which the treaty designated. This suspicion might be unfounded; but the apprehension itself which the Senator from Pennsylvania had expressed, seemed to warrant this inference of the people of Maine in reference to this survey. They had surveyed the rivers, and not the highlands; and this went to warrant the inference that the object of the survey was to get information for the Government of Britain that might be useful to them in case of the event which the Senator apprehended. And if such was their object, was it not proper to ask the President whether he had taken any precautionary measures, at least so far as to make a similar examination, especially as there was not a question in Congress or the country as to the right of Maine to the territory in dispute.

Mr. R. said further, that there had been a palpable and admitted violation of the arrangement entered into by the mediation of General Scott, of which the President could not but have been aware; and, in respect to caution, there had been abun-

dance of that. The British Government had been cautious enough never to have a minister here with power to adjust the controversy; here, and here only, where the adjustment ought to have been made. They had now been cautious enough to send on this singularly conducted commission one of the ablest engineers of England, as if for the very purpose of a military survey. Mr. R. hoped, therefore, the amendment would be adopted.

Mr. Allen admitted the delicacy of this matter; but, delicate as it was, Congress, the Executive, and the whole American people were united as one man on the merits of this great question, and in according the right over the disputed territory to the State of Maine. Mr. A. ardently desired that this unanimity might be disturbed by nothing even doubtful or ambiguous; and if this resolution were doubtful in its character, he thought it ought to be so modified as to remove all ambiguity.

Mr. Buchanan said he would cautiously avoid, on this occasion, any debate on the general subject. His opinions were sufficiently well known to render this unnecessary. There were three resolutions before the Senate for consideration; two of them, which he thought entirely proper, called on the President for all the correspondence between the British Minister and the Governor of Maine, the British Government and our own Government, on the subject of the Northeastern boundary, which have not heretofore been communicated, provided its publication may not be deemed incompatible with the public interest. We have just heard, almost this instant, that British troops have occupied a portion of the disputed territory. The Senator from Maine, [Mr. Williams,] ever true to his trust, offers a resolution, calling upon the President for all the information in his possession, the publication of which he might not deem improper. All this was very proper; but what did the resolution of the other Senator [Mr. Ruggles] propose? Why, that [reads the resolution.]

Now, sir, what is the character of this resolution? And, mark me, sir, I do not oppose its passage, but I will make a single remark. Suppose the President had established military posts in the disputed territory, as this resolution intimates he ought to have done, would it not have been a direct violation of the agreement concluded between General Scott and Sir John Harvey? Had the President acted in this manner, he would have violated the spirit, as the British, if our late information should prove to be correct, had done both the letter and spirit of this agreement. The agreement had procured us peace on the

border, and, in my opinion, should not have been lightly disturbed. The President is asked what he has done under the act of March, 1839, when the President has expressly informed us that he has done nothing, because the contingency contemplated in that act had not occurred at the date of his message. The negotiation was then proceeding amicably, as the President had informed us, and he hoped it might progress in the same spirit until it reached a peaceful termination.

Mr. Clay, of Kentucky, said it always gave him great pleasure to concur, when he could, in the views of the chairman of the Committee on Foreign Relations. But he must now differ from him so far as to think that there was not the slightest imputation on the President in this resolution; and the Senator himself seemed to admit as much when he said he should make no objection to its adoption. And further, the mover of the resolution had himself declared that he had no purpose whatever of censure. That Senator was deeply interested in this matter, and was even laudably desirous to know all that could be known about it consistent with the public interest. And to what had we come, if the President was to be asked no question in regard to his official duties? And was there nothing to be allowed to a State whose rights had been so long withheld? Sir, (said Mr. C.) while we guard the President, let us not be insensible to the feelings and just rights of a member of this Confederacy. On this subject he saw no occasion to censure the President, but God knows he is sufficiently amenable to censure without going out of the way to find it. Sir, I think there is no imputation in the resolution, and I hope it will be allowed to be passed.

Mr. Buchanan said that he felt so much confidence in the Senator's ability to construe the meaning of language correctly, and was so much pleased with the approbation he had expressed of the President's conduct in regard to the Maine boundary controversy, that he was willing to forego his own opinion of the character of this resolution. It was true that this approbation had been accompanied by a protestation that the President was sufficiently censurable on other questions. As to the Senator's "God knows," &c. when he brings forward his bill of particulars, Mr. B. trusted that the friends of the President would be able to defend him triumphantly. At present Mr. B. was content with the admission in favor of the President's conduct respecting the Maine controversy, and he would now vote with more cheerfulness for the resolution.

Mr. Davis said he had listened yesterday and to-day to the idea that this resolution implied censure on the President; but it had never entered his mind at all; and as to adopting the resolution, or an equivalent, there could be no doubt. The sentiment throughout Congress and the country was unanimous in favor of the right of Maine; and what the President in his late message had said, we all felt deeply to be true, that the controversy had continued too long. It was full time for it to be brought to a close. And who knew what might be the present state of facts? At the last session, such was the excitement in the public mind, that when the British were about to take possession of this territory, there was great indignation manifested here and generally. Maine thought it her duty to repel that invasion. And how was the difficulty adjusted? By the mediation of General Scott, sent by this Government, between Maine and New Brunswick. There was now intelligence, very nearly official, that the territory was in the occupation of British troops, to remain there through the winter; and there was even an admission by the Governor of New Brunswick that the agreement then entered into had been violated. And what was the explanation of the Governor? That it had been done, not by his authority, but by one still higher, viz: that of the Governor General of Canada. Mr. D. thought there was every reason to be on the alert on this subject, and though he would violate no delicacy, he would not, on the other hand, forbear, till forbearance might well and justly be construed into tame submission. Very near, if not quite, to this point we had already gone, and he thought there was danger that the British Government might so construe it, and act accordingly. Mr. D. therefore insisted that this resolution, or something like it, ought to pass.

Mr. Williams said when he offered his resolution, he supposed it would bring all the correspondence, which the amendment proposed calling for, and he saw no objection to the resolution, and hoped it would be adopted.

Mr. Allen said he was entirely satisfied with the disclaimers of the mover, and other gentlemen of the Opposition, of any intended censure. With these disclaimers, he had no objection to the passage of the resolution.

The resolutions were then adopted.

SPEECH, JANUARY 22, 1840,

IN REPLY TO MR. CLAY, ON THE INDEPENDENT TREASURY BILL.[1]

Mr. Buchanan rose and said: MR. PRESIDENT: It is not my purpose, on the present occasion, to go very much at length into a discussion of the provisions of this bill. I intend, in a great degree, indeed almost exclusively, to confine myself to a reply, or at least to an attempt to reply, to the remarks of the Senator from Kentucky [Mr. Clay.]

In all discussions, if we desire to arrive at a satisfactory conclusion, it is absolutely necessary that we should distinctly understand what is the question to be discussed. Then let me ask, what is the nature and character of the Independent Treasury bill now before the Senate?

Since the origin of the Government, our own responsible officers have always collected the public revenue, and have always disbursed the public revenue. Heretofore, during the intermediate space of time between its collection and its disbursement, it has been deposited with banking corporations. The object of this bill is to provide that our own responsible officers shall be substituted as depositaries, instead of these banking corporations; and that these officers shall hereafter not only collect and disburse the public money as they have always done; but that they shall also have the custody of it between its collection and disbursement.

Under the provisions of this bill, every officer throughout the United States who receives public money is constituted a depositary. But there are certain points where very large sums of public money are collected, or are disbursed, or both; and at these points, both the security of the revenue and the public convenience require that there should be depositaries distinct from, and independent of, the collecting officers. These points are Philadelphia, New Orleans, New York, Boston, Charleston, and St. Louis. Accordingly, the bill proposes to convert the Mint at Philadelphia and the Branch Mint at New Orleans into places of public deposit, and entrusts the custody of the public money to the treasurers of these institutions respectively; and it creates sub-treasuries, each to be under the control of a receiver-general, at New York, at Boston, at Charleston, and at St. Louis.

Thus far, sir, it will be perceived that this bill makes no

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. Appendix, 129–137.

change in the settled policy of the country, except merely to provide that the public money, in the intermediate time, between its receipt into the Treasury and its disbursement, shall be entrusted to our own responsible officers, instead of irresponsible corporations.

In addition to these provisions, the bill contains what has been commonly denominated the specie clause. This section provides that one-fourth of the dues of the Government shall be collected in gold and silver, after the 30th June, 1840, one-half after the 30th June, 1841, three-fourths after the 30th June, 1842; and after the 30th June, 1843, all the revenue of the Government shall be collected and all its disbursements shall be made in gold and silver coin.

Now, sir, when separated from the details necessary to carry these principles into execution, this is the bill, the whole bill, and nothing but the bill which has excited so much unnecessary alarm throughout the country.

In discussing this bill, the Senator from Kentucky has divided his remarks into two general heads. He has first considered the bill according to what its friends say it is; and in the second place, has discussed it according to what he himself believes it to be. In my reply I shall invert this order; because it is necessary first to prove that the Senator himself has entirely mistaken the nature and effects of the measure, and that its friends entertain a just conception of its character.

The Senator held up the bill triumphantly to public view, and declared that it contained within its provisions a great Government Treasury Bank. Now, if I cannot make it manifest as the light of day, that in this proposition he is entirely mistaken, I shall then agree to surrender the whole argument. The Senator has had an unsuccessful chase, through the provisions of this bill, after the lurking monster. Had he succeeded in dragging him into light, I should have been one of the first men in the country to assist in putting him to instant death. But,

> "He must have optics sharp, I ween,
> Who sees what is not to be seen."

This, I think, has been the case with the Senator from Kentucky.

Now, sir, what is a bank? According to the usual acceptation of the word, in our country, it performs three offices. It receives deposits, it loans money upon discounts, and it issues a paper currency. I acknowledge that, in order to constitute a

bank, it is not necessary that it should perform all these three functions. There are banks of discount and deposit merely, and there are also banks of deposit and issue only; and this latter class of banks are the most secure of any in the world, when the deposits are confined to the precious metals, and the issues, in the form of certificates, do not exceed the sums actually deposited. Such was the Bank of Amsterdam, and such is now the Bank of Hamburg. It would be difficult to form an idea of a bank of issue alone, without deposits or discounts, although I know, from the utter inability of the Bank of England to regulate the paper currency of that kingdom, the question has been seriously considered whether one bank of issue ought not to be established, and whether all other banks ought not to be prohibited from emitting paper currency. It is certain that, at the present moment, a bank of issue, purely as a bank of issue, does not exist on the face of the earth. Now, sir, this bill does not authorize the public depositaries to receive money from individuals on deposit; and it not only does not authorize them to loan the public money entrusted to their care, but it makes such an act a felony, punishable by fine and imprisonment. This bill, then, clearly does not create a bank either of deposit or of discount, and the Senator has not contended for any such proposition. He has confined himself to prove that it will create a bank of issue; and I shall examine this proposition a little more in detail.

And, in the first place, if there be a bank lurking in the bill, then we have had a Treasury bank in full operation ever since the origin of the Government, without having the least idea of its existence until the Senator from Kentucky made the discovery. There has been no period of time, since General Washington was first inaugurated in 1789, until the present day, when the Treasurer of the United States did not draw his warrants, either on banks or receiving officers, in favor of disbursing officers or creditors of the Government. Without this power the Treasury department could not exist. Debts could not be paid to individuals, neither could the public revenue be applied to accomplish the objects contemplated by the Constitution. There is no other conceivable mode of conducting this branch of the public business. The bill makes no change whatever in this ancient and necessary practice, except to impose an important limitation upon it which has never heretofore existed; and yet, according to the Senator from Kentucky, it creates a bank

of issue, and the drafts drawn by the Treasurer on the public depositaries in favor of public creditors and disbursing officers, are to be the paper currency which it will throw into circulation. This is the sum and substance of his whole argument on this point. He might with the same reason contend, that, if an individual in extensive business had deposits in several banks, and was in the habit of paying his debts and advancing money to his agents by drawing drafts upon these banks, that, therefore, he himself had established a bank of issue. The cases are precisely analogous.

In what part of this bill has the Senator discovered the charter of his bank? He has referred to one, and only one clause for the purpose of proving its existence. This is to be found in the tenth section of the bill, and, as it is very brief, I shall read it to the Senate. It is as follows:

> And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interest, or to the convenience of the public creditors, or both.

There, sir, is the charter; and what is it but a mere recognition of the power which I have just been describing, and which has existed, and must necessarily have existed, ever since the origin of the Government. It requires the Treasurer of the United States to consult both the public interest and the convenience of the public creditor, or both, in selecting the depositary on which to draw his warrant. This he has always done. In the first place he must select a depositary with whom there is an amount of money sufficient to meet the draft; and among such depositaries he must, unless the public interest forbids, draw upon that one where it will be most convenient for the public creditor to receive his money. Why, sir, this clause, so terrific to the imagination of the gentleman, might be stricken from the bill altogether, without producing the slightest inconvenience. The practice which it prescribes, is that which must necessarily be pursued in paying the debts of the Government. And yet this simple and necessary power is the only part of the bill on which the Senator relies to establish his great Treasury Bank!

But I said that this bill contained an important limitation which had never heretofore existed. This was introduced at the special session of 1837, upon my own suggestion. It was then apprehended that the holders of these Treasury warrants

might not present them for payment within a reasonable time; and that a large amount of them might remain outstanding, and be used as bills of exchange. As these outstanding drafts would necessarily represent an equal amount of gold and silver in the hands of the depositaries, it was apprehended that, unless they were speedily presented for payment, a mass of them might continue floating in the community, and thus produce an accumulation of specie in the hands of the depositaries which might prove injurious to the banks. To prevent this evil—to render the draft upon the banks for specie as light as possible—and to cause the gold and silver to flow out of the Treasury into general circulation, as rapidly as it had flowed into it, this amendment was adopted. It now constitutes the 23d section of the bill, and is as follows:

SEC. 23. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper. But in all those regulations and directions, it shall be the duty of the Secretary of the Treasury to guard, as far as may be, against those drafts being used, or thrown into circulation, as a paper currency or medium of exchange.

One might have supposed, from the extreme horror of the gentleman lest this bill might contain a Treasury Bank, that he would have been delighted with the provisions of this section. Not so. On the contrary, he has declared, in the most solemn manner, that it confers a tremendous power on the Secretary of the Treasury, to which no people, jealous of their liberties, ought to submit. The Senator is hard to please. He first denounces, in the strongest terms, the tenth section of the bill, because the Treasury drafts issued under its authority will, in his opinion, become the circulating medium of his Treasury Bank; and almost at the very next breath, he denounces, in terms equally strong, the very section which renders it impossible that they ever can become such a circulating medium.

And what is this tremendous power vested in the Secretary of the Treasury by the 23d section? Independently of postmasters, there are perhaps a hundred and fifty receivers of public money in the United States. These are scattered from Maine to Georgia, and from the Atlantic to the far West. Some of

them are at the distance of fifty miles, and others are a thousand miles from Washington. From the nature and necessity of the case, the discretionary power is conferred upon the Secretary to regulate "the speedy presentation" of these drafts, according to the different distances of the depositaries from the seat of Government; but even this is to be done in such a manner as to prevent them from being thrown into circulation as a paper currency or medium of exchange. And yet this is the tremendous power so much to be dreaded! No other provision could have been made. It would have been a work of endless and unnecessary labor to have attempted to enumerate each of the depositaries in the bill, and to have prescribed the time within which drafts on each of them should be presented for payment. This is a mere matter of detail which must be yielded to the discretion of the Secretary.

And now what, in plain English, is this Government Bank? It is no other than the power which has always been exercised by the Treasurer of the United States, to pay the public creditors, and to advance money to the disbursing officers by means of drafts on the public depositaries; with a new restriction, however, imposed upon the holders of these drafts, requiring their speedy presentation, for the express purpose of preventing the possibility of their ever becoming a circulating medium. Any man who can distinguish between a hawk and a handsaw, can discriminate between this simple provision and a great Government Treasury Bank.

The Senator, feeling that he has no foundation on which to erect his Treasury Bank in the bill, as it is, has taxed his fancy—a never failing resource—to alarm our fears as to what it will become hereafter. He leaves the present far behind, and looks forward to the future. He predicts that in less than three years necessity will compel us to change the Independent Treasury into a bank of issue. Having given his fancy the reins, he tells us how this will be performed. The Secretary of the Treasury, instead of giving single drafts on the depositaries for the amount due to public creditors, and the sums to be advanced to disbursing officers, is to have drafts prepared upon bank paper, in the likeness of bank notes, of the denomination of twenty, of fifty, and of a hundred dollars. These drafts he is to pay out like bank paper. The restriction is to be repealed requiring their speedy presentation to the depositaries. They are to become the general circulating medium of the country. In less than ten

years the receivers-general are to have between forty and fifty millions of gold and silver in their vaults, to be represented by the same amount of Treasury drafts in circulation, and in the possession of the banks. The Government then calculating that the demand upon these depositaries will not require them to keep this amount of specie on hand, will draw it out clandestinely for their own purposes, as was formerly done from the bank of Amsterdam; and that some future President will, by means of this stolen money, subvert the Government, and destroy the liberties of the people.

Now, sir, is not this the merest fancy picture that was ever sketched? It is all the offspring of the Senator's own prolific imagination. It is all prophecy, and no fact. Even by his own showing, there is no foundation for it in the bill. On the contrary, every precaution has been used to prevent the possibility of any such occurrences.

And what reason has he to predict that the friends of this measure will change all their principles and purposes in less than three years, and by new legislation convert the Independent Treasury into a Government Bank? Has not every Senator perceived the holy horror with which my friend from Missouri [Mr. Benton] was inspired at the bare idea that the Government might ever issue "notes, bills, or paper," receivable in payment of the public dues? His lynx-eyed jealousy seized hold of these general expressions, in the 19th and 20th sections of the bill, and although there was nothing on the face of the earth on which these words could operate, unless possibly on some straggling Treasury note which might remain unredeemed long after it became payable, yet he had them stricken from the bill. "He snuffed the tainted breeze" from afar; and although there was no present danger, yet he saw a possibility that these words might have a meaning hereafter; and that in future years the Government might be willing to issue "notes, bills, or paper," and therefore we all united with him in voting for his amendment. This was, in the phrase of the lawyers, the exclusion of any conclusion which might by possibility be drawn from these general words in favor of Government paper.

But again: did not the Senator from Kentucky perceive with what alacrity the friends of the bill supported the amendment of his colleague, [Mr. Crittenden,] imposing it upon the Secretary of the Treasury as a solemn duty, to take care, in his regulations for the speedy presentation of Government drafts to

the depositaries, that these drafts, as far as may be, shall never be used as a paper currency or medium of exchange?

Suppose it were possible that the Secretary of the Treasury, without authority, and in the very face of the provisions of this bill, and the known and avowed opinion of its friends, should, as the Senator supposes he might, circulate these Government drafts in the form of bank paper, and of the denomination of twenty, fifty, and a hundred dollars; what do you think would be the consequence? He would instantly be deprived of his office for this daring violation of law, and would be justly held up to public execration. In justice to that officer, I ought to say that I am not one of those who consider it possible that he could ever dream of pursuing such a course, without the express authority of Congress; and I may venture to predict, with unerring certainty, that such an authority will never be conferred upon him by the present party in power. But even if he should thus violate his duty; whilst the 23d section of this bill shall remain in force, these drafts never could become a general circulating medium: and, therefore, there could never be, as the Senator supposes, an accumulation of forty-five or fifty millions of dollars in the hands of the depositaries. But even if this miracle should be accomplished, and a future President should attempt to embezzle this money, for the purpose of subverting the Government, there would still be one most unpleasant obstacle in his way. He would then, under the provisions of this bill, be guilty of felony, and would be transferred from the White House to the penitentiary. The truth is that "these hydras, gorgons, and chimeras dire," exist only in the Senator's imagination.

The Senator, in a triumphant tone, exclaimed, that, by the passage of the bill, the union of the purse with the sword will be consummated in the hands of the President. This, if true, would indeed be fearful. It would be the death knell of civil liberty in this country. Wheresoever the power over the purse and the sword is united in the hands of one man, there the Government is despotic. If any Executive Magistrate, be he King, or be he President, possess the sole power to declare war, to raise armies, to impose taxes, and to expend the public money at his pleasure, there must be an end of civil liberty in that country. This, and this alone, is what I understand to be a union of the sword and the purse. But under our Constitution and laws, the President neither has, nor ever can have, the power over either. Can he declare war? No, sir; the Constitution expressly confers

this power upon Congress. Can he enlist soldiers? No, sir; he could not raise a single company to go to Florida, because Congress alone have the power to raise and support armies. Can he impose taxes upon the people, or borrow money? No, sir; Congress is exclusively vested with the power of laying taxes and borrowing money. But after this money shall have reached the Treasury, can he apply a dollar of it to any use, public or private? No, sir; no money can be drawn from the Treasury, but in consequence of appropriations made by Congress. Nay, more; if the President were so far to forget the duties of his high station, as to enter into a collusion with any of the depositaries, and draw one dollar of public money out of their possession, he would, like any other citizen, subject himself to fine and imprisonment. And this is the union of the purse and the sword, which the Senator has so feelingly described! This phrase, I thought, had had its day, and had passed into oblivion; but the Senator has again conjured up the spectre, for the purpose of alarming our fears.

The Senator tells us that he has been warring in vain for the last seven years, against the extension of Executive power and influence. Now, sir, if he had informed us that he had been warring against the Executive, but in favor of an increase of Executive power and influence, in my humble opinion he would have come much nearer the mark. It is, perhaps, the strangest spectacle which has ever been presented on the face of the earth, that in this war between the Executive and the Senator's political party, he has been endeavoring to deprive himself of power, whilst they have been struggling to prevent him from making this self-sacrifice.

Let me remind the Senator of a few instances; and first, in regard to internal improvements. I happened to be a member of the other House during the administration of Mr. Adams. I do not intend now to cast any censure upon that administration. I speak merely of historical facts. In those days, by virtue of an act of Congress, the President exercised the discretionary power of making as many surveys for internal improvements as he thought proper, all of which, it was hoped by those interested, would, at some future day, be constructed by the General Government. Splendid projects of such improvements were presented to dazzle the fancy, and excite the cupidity, of almost every man in the country. Our engineers were constantly traversing the Union from east to west, and from north to south; and before

they were arrested in their career, the estimated cost of completing the improvements which they had surveyed or projected, if my memory serves me, amounted to more than one hundred millions of dollars. Here was a vast field for Executive influence and power. The fat jobs which might have been bestowed on favorites; the actual expenditure of immense sums of money, and the alluring hope presented by the mere survey of any railroad, turnpike road, or canal, in which masses of people felt an interest; all, all contributed to swell the tide of Executive influence. Now, sir, was there ever a lure more tempting to Executive ambition than this power of pouring out the public treasure to benefit, and, in their estimation, to bless a large proportion of the people of this country? What was the conduct of the old Roman in regard to this question? For the good of his country, he sacrificed all this power and all this patronage. His veto of the Maysville road bill arrested the whole system; and, strange as it may seem, a portion of the gentleman's seven years' war against the Executive, consisted in denouncing this voluntary surrender of Executive power and influence, as ruinous to the best interest of the country.

Again: the very bill now before the Senate, against which the gentleman has been warring, is one of the strongest proofs which the present Chief Magistrate could give, that he is willing to abandon a large portion of Executive influence. In 1837, there were between eighty and ninety Government deposit banks, scattered over every State in the Union. What an immense political power might have been exercised by the President through the agency of these banks! We know, from letters read at the called session, that they were not very scrupulous, "where thrift would follow fawning." Affiliated as they were, if the President had been disposed to exert an improper influence over them, they might have been used with prodigious effect to accomplish his purposes. The selection of these depositaries—the amount of the public money which they should receive—how long they should retain it, and in what manner they should conduct their business—all, all was left to Executive discretion. What a boundless field for Executive influence is that which the present President now desires to abandon! And yet the Senator, both at the called session, and the session succeeding it, warred in favor of compelling him to retain in his hands this unbounded source of political patronage and power. He preferred then, and, such is his detestation for the present bill,

would, I presume, even now prefer, the deposit bank system to the Independent Treasury.

Can any man, in sober earnest, compare the influence which the Executive will acquire, under this bill, by the appointment of four receivers-general of public money, with that over this affiliated league of State banks, which he now desires to abandon? Think ye, sir, that if any of the leading officers of Government, or any of the favored minions of Executive power, had desired a loan from one of these banks, that he would have asked in vain? Under the Independent Treasury bill, such favors can never be extended without subjecting both the officer granting them, and the recipient, to punishment in the penitentiary.

The Senator complains that the power of removal from office should exist in the President, and says that he is not at all satisfied with the argument in the first Congress on which it was rested. This power has been exercised, without interruption, ever since 1789. It is not, then, a recent usurpation. The first Congress of the United States which ever assembled, by their construction of the Constitution, solemnly declared that the power of removal was vested in the President; and many of the members of this Congress had themselves been members of the Federal Convention. Since the gentleman addressed the Senate, I have examined the debate, and particularly Mr. Madison's remarks upon this subject, and I think they ought to prove satisfactory to every mind. He sketches the argument in favor of the power with a master's hand.

How could the President execute the laws at all, if this power did not exist? Suppose he should discover that one of the receivers-general created by this very bill was applying the public money to his own use—if he were deprived of the power of removing him from office, he might be obliged to look patiently on and suffer him to embezzle millions. Suppose a foreign minister were violating his instructions, and betraying the best interests of his country abroad—what is to be done? Without the exercise of this power, the President would be compelled to wait until the mischief might be entirely consummated—until the country might be ruined—before he could recall this corrupt or wicked minister. I might present a hundred similar instances. This power is essential to the performance of the duty imposed upon the President of seeing that the laws are faithfully executed. Without it, he would be deprived of the necessary means of executing this high trust reposed in him by the Constitution. It

is, therefore, wonderful how the existence of this power could ever have been seriously contested.

If this power of removal did not exist in the President, it would follow as a necessary consequence that the Senate must remain in permanent session for the purpose of sanctioning removals from office, as they might become necessary, throughout this vast and growing country. The public interest imperiously demands that some power should always exist competent instantly to remove all officers the moment they are discovered to be betraying their trust. But the Constitution never contemplated that the Senate should be in session permanently. Heaven forbid that this should ever be the case! After having been in the political atmosphere of Washington for six months, it is necessary that we should go home to mingle with our constituents and to breathe the pure air of the country. The American people never will consent, and never ought to consent, that our sessions shall become permanent.

Having now replied to all the arguments adduced by the Senator under his second general head, and having, I think, demonstrated that the bill contains no Government Treasury Bank, I shall proceed to reply to those which he urged under the first general head. It will be recollected that this was to consider the bill according to the construction placed upon it by its friends, which, I have endeavored to prove, is the true construction.

Before I address myself directly to the Senator's argument, allow me to indulge in some general observations.

What has been the financial history of this country for the last twenty-five years? I can speak with positive knowledge upon this subject during the period of eighteen years since I first came into public life. It has been a history of constant vibration—of extravagant expansions in the business of the country, succeeded by ruinous contractions. At successive intervals many of the best and most enterprising men of the country have been crushed. They have fallen victims at the shrine of the insatiate and insatiable spirit of extravagant banking and speculation. Starting at the extreme point of depression of one of these periods, we find that the country has been glutted with foreign merchandise, and it requires all our efforts to pay the debt thus contracted to foreign nations. At this crisis the banks can do nothing to relieve the people. In order to preserve their own existence, they are compelled to contract their loans and

their issues. In the hour of distress, when their assistance is most needed, they can do nothing for their votaries. Every article sinks in price, men are unable to pay their debts, and widespread ruin pervades the land. During this first year of the cycle, we are able to import but comparatively little foreign merchandise, and this affords the country an opportunity of recruiting its exhausted energies. The next year the patient begins to recover. Domestic manufactures flourish in proportion as foreign goods become scarce. The industry and enterprise of our citizens have been exerted with energy, and our productions have liquidated the foreign debt. The third year, a fair business is done. The country presents a flourishing appearance. The banks, relieved from the drains of specie required for foreign export, begin once more to expand, and tempt the unwary to their ruin. Property of all descriptions commands a fair price. The fourth or the fifth year the era of extravagant banking and speculation returns, again to be succeeded by another ruinous revulsion.

This was the history of the country up till 1837. Since then we have travelled the road to ruin much more rapidly than in former years. Before that period it had required from three to six years to get up an expansion and its corresponding explosion. We have now witnessed the astounding fact that we can pass through all these changes, and even from one suspension of specie payments to another, in little more than two years.

It is curious to observe with how much accuracy you can read the ever changing condition of this country in the varied amount of our importations. The year 1836 was one of vast expansion, and produced the explosion and suspension of specie payments in 1837. The imports were greatly diminished in 1837, being less than they had been in 1836, by nearly fifty millions of dollars. In 1838, they sunk down to twenty-seven millions less than they had been in 1837, and nearly seventy-seven millions less than they were in 1836. In 1839, we had another expansion, and our imports were forty-four millions of dollars greater than they had been in 1838. This expansion preceded the explosion and suspension of specie payments in the month of October last. Thus we have become such skilful architects of ruin, that a single year was sufficient to prepare the late explosion.

There never has existed a nation on earth, except our own, that could endure such rapid and violent expansions and contractions. It is the buoyancy of youth—it is the energies of our

population—it is the spirit which never quails before difficulties —which enables us to endure such shocks without utter ruin. Yes, sir, a difference in the amount of our imports, between the years 1836 and 1838, of seventy-seven millions of dollars, is sufficient to excite the astonishment of the world.

What causes chiefly operated to produce this speedy recurrence of the second explosion and the second suspension of specie payments? Three may be mentioned. In the first place, after the bank suspension of 1837, every person who was friendly to well regulated banks, if such a thing be possible under the present system, ardently desired that the different State Legislatures might impose upon them some wholesome restrictions. It was expected that they would be compelled to keep a certain amount of specie in their vaults in proportion to their circulation and deposits; that the foundation of a specie basis for our paper currency should be laid by prohibiting the circulation of bank notes at the first under the denomination of ten and afterwards under that of twenty dollars; that the amount of their dividends should be limited; and, above all, that upon the occurrence of another suspension their doors should be closed at once, and their affairs be placed in the hands of commissioners. The different Legislatures met. Much indignation was expressed at the conduct of the banks. They were severely threatened; but at last they proved too powerful for the people. Indeed, it would almost seem as if most of the State Legislatures had met for no other purpose than to legalize the previous suspension of specie payments. No efficient restrictions were imposed; and the banks were thus taught that they might thereafter go unpunished—unwhipped of justice. Past impunity prevented them from reducing their business and curtailing their profits in such a manner as to render them secure in the day of trial. They have fallen again; I fear again to enjoy the same impunity.

In the second place, the immense amount of money loaned to many of the States in England, a large portion of which was brought home in the form of foreign merchandise, afforded great facilities for overtrading, or rather overbuying.

And in the third place, the conduct of the Bank of the United States greatly tended to produce these excessive importations. That institution became the broker for the sale of all State bonds in Europe. It endeavored to monopolize the entire cotton trade of the country; and it drew bills of exchange on England, most freely, at moderate rates, against the proceeds

of these bonds and of its cotton. Every temptation was thus presented to speculations in foreign merchandise.

These three causes combining, have occasioned a second suspension of specie payments within two years after the first, and produced that bloated credit system, from the wreck of which our country is now deeply suffering.

I most heartily concur with the Senator from Kentucky in one of his positions. We certainly produce too little and import too much. Our expanded credit system is the great cause of this calamity. Confine it within safe and reasonable bounds, and this disastrous effect will no longer be produced. It is not in the power of Congress to do much towards a consummation so desirable. Still we shall do all we can; and the present bill will exercise some influence in restraining the banks from making extravagant loans and emitting extravagant issues.

What effect has this bloated system of credit produced upon the morals of the country? In the large commercial cities, it has converted almost all men of business into gamblers. Where is there now to be found the old fashioned importing merchant, whose word was as good as his bond, and who was content to grow rich, as our fathers did, by the successive and regular profits of many years of patient industry? Such men were the glory and pride of commerce, and elevated the character of their country both at home and abroad. I ask, where are they? Is not the race almost extinct? All now desire to grow rich rapidly. Each takes his chance in the lottery of speculation. Although there may be a hundred chances to one against him, each, eagerly intent upon the golden prize, overlooks the intervening rocks and quicksands between him and it, and when he fondly thinks he is about to clutch it, he sinks into bankruptcy and ruin. Such has been the fate of thousands of our most enterprising citizens.

If the speculator should prove successful and win the golden prize, no matter by what means he may have acquired his wealth, this clothes him with honor and glory. Money, money, money, confers the highest distinction in society. The Republican simplicity and virtue of a Macon would be subjects of ridicule in Wall street or Chestnut street. The highest talents, directed by the purest patriotism, moral worth, literary and professional fame, in short, every quality which ought to confer distinction in society, sink into insignificance when compared with wealth. Money is equivalent to a title of nobility in our

larger commercial cities. This is the effect of our credit system.

We have widely departed from the economical habits and simple virtues of our forefathers. These are the only sure foundations upon which our Republican institutions can rest. The desire to make an ostentatious display of rapidly acquired wealth, has produced a splendor and boundless expense unknown in former times. There is now more extravagance in our large commercial cities, than exists in any portion of the world, which I have ever seen, except among the wealthy nobility of England. Thank Heaven, this extravagance has but partially reached the mountains and valleys of the interior. The people there, so far as their potential voice can be heard, are determined to put an end to this bloated credit system, which threatens to involve not only their private fortunes, but their political liberties in ruin.

After the revulsion in 1837—after the banks had blown up, and left the Government without a dollar, the President found it necessary to convene Congress. It then became indispensable to take a new departure. The course which ought to be pursued was the question. The banks had betrayed our trust; they had converted our money into rags, by a species of alchymy the very reverse of that which was attempted in former times, of converting baser things into gold. The President then recommended an absolute divorce between Bank and State, and his political friends in Congress cordially responded to this recommendation. We then gave our banner to the breeze, with the motto of an Independent Treasury inscribed upon it. Have we not firmly and immovably maintained our position? Had we been the cormorants after office which our enemies have described us to be, we should have yielded our convictions, when we found one State after another abandoning our standard. Neither the love of power nor of place made us falter. We did not yield to the panic of the moment. We have ever since kept this issue distinctly before the people, honestly believing that a separation of the Government from banks was necessary to promote the best and dearest interests of the country. In the opinion of our political opponents, we stood self-immolated. But the people have at length gloriously come to the rescue. The Senator is entirely mistaken in supposing this bill to be unpopular. In every instance, during the elections of the last year, when the question of an Independent Treasury was distinctly made before the people, the result has been either the election of the Administration candidates, or a greatly increased

number of votes in their favor. Is it not certain, that if the Congressional elections in those States which elected their members in 1838, had been postponed until 1839, we should now be in a triumphant majority in the other House? The Whig party know this; and I am greatly mistaken in the signs of the times, if they have not determined that this bill shall pass. They will no longer give us the battle cry of an Independent Treasury. The bill is destined to become a law during the present session. I prophesy this result, and prophesy it solely upon my opinion of the sagacity of the Whig party. It is possible I may be mistaken, but if I should, I shall have one consolation in my disappointment. If my political existence depended upon the result, I should rather have the success of the Independent Treasury identified with the re-election of Mr. Van Buren, than any other argument which can be used in his favor. It alone would be sufficient to defeat the hero of Tippecanoe.

Now, sir, great changes have taken place in public opinion since September, 1837. The prominent arguments then urged upon this floor against the Independent Treasury bill have nearly all vanished away. We now hear no more of a system of well regulated specie paying State banks to act as Government depositories. The half-way house has been abandoned. The accommodations there are no longer good. It is in a ruinous condition, and can no longer shelter those who formerly took refuge in it. The banks have blown up twice within little more than two years, and thus blown this argument of their friends sky high. No statesman, after our recent experience, would now think of placing the people's treasure with the banks on general deposit for safekeeping.

Far different is the Independent Treasury. It presents every guarantee which can be afforded for the safety and security of the public money. It will be in the custody of officers appointed by the Government, responsible to the Government, and punishable as felons for every violation of their trust. In the day of danger, when the country is involved in war, the money will always be ready; and at such a crisis, the banks would almost certainly suspend specie payments. Besides, they are mere State institutions, over which we have no control; and they may, when they please, convert our money into rags, and then place us at defiance. They are beyond the reach of punishment under our authority. The Federal Government cannot justly be considered independent, if we must resort to State

banks, or to any other power except our own, for the purpose of keeping the money raised from the people by taxation, until it can be applied to execute the great powers conferred upon us by the Constitution.

Again: public opinion has annihilated another argument against the Independent Treasury. The Senator from South Carolina, in March, 1838, [Mr. Preston,] in his tenderness towards the State banks, and for the purpose of enabling them to resume specie payments, proposed that we should, for a limited period, receive their irredeemable paper in the payment of dues to the Government. Much eloquence was also formerly wasted upon the extreme cruelty of having one currency for the Government and another for the people. Thank God! we hear no more of all this. No person now contends that, under any circumstances, the Government ought to receive depreciated bank paper. Such fantasies have proved too light for earth. They have risen to the moon, where it is said the crude notions of speculative politicians are still floating about, and have a local habitation and a name.

The Senator charges us with having employed the State banks as depositories, and having commended their conduct in the highest terms. This was a grievous sin, and grievously have we answered it. The difference between him and us is this: that after they had shown themselves to be utterly unworthy of our confidence, we abandoned them; but at that moment he clasped them to his bosom. Admitting that there has been inconsistency on both sides, the state of the fact is this: we adopted the State banks; they betrayed us, and we cast them off forever. The Opposition denounced this system in the beginning, and prophesied that it would prove a failure; but at the very moment when their prediction was verified, they embraced these castaways themselves with all the ardor of lovers. These banks, as depositories of the public money, are now repudiated by all parties. Their day has passed, and we shall hear little more of them in connection with this subject.

All men are wise after the fact; but, to look back, it has often occurred to me as wonderful how we could ever have confided in the State banks as safe general depositories of the public treasure. Our system of banking is the very worst and the most irresponsible that has ever existed on the face of the earth. The charters of these banks nowhere impose any efficient restraints upon the first instinct of their nature, which is

to make as much money for their stockholders as possible. They will, therefore, always expand their credits and their issues in the day of delusive prosperity, without regarding the approaching storm. The immense deposits of the Government increased this fatal tendency; whilst the public money was freely loaned, and its security placed at hazard, for the benefit of their stockholders, but for the ruin of the country. The wonder, perhaps, ought rather to be that they held out so long, than that they should have finally exploded.

In 1836, the immense amount of these deposits had stimulated them almost to madness. The expansion was then great beyond all former example. Speculation raged throughout the land. The suspicions of the country were aroused against the Government, and the banks were charged with granting peculiar favors to men high in office, and to influential partisans of the Administration. They were denominated "the pet banks." Such was the general sense of the insecurity of the public money, in their possession, and such the jealousy which existed among the people, in consequence of their connection with the Government, that I verily believe the present Chief Magistrate would never have been elected, had it not been for the passage of the deposit bill. The adoption of this measure was a choice of evils; but it was a much less evil than to have left nearly forty millions of the public money in possession of the banks. Under the Independent Treasury system, we shall never again be placed in such a fearful dilemma.

I was very much astonished that we had no homily from the Senator against the specie clause of the bill. Even this seems to have lost much of its terrors. It is no longer the terrific monster which was to devour all the banks and establish a pure metallic currency for all the transactions of all the people of the United States.

There could be no Independent Treasury without this clause. If you were to receive bank notes in payment of the public dues, and retain them in your possession, you would, in this manner, encourage the banks as much to make extravagant expansions, as though you placed the same amount with them on general deposit. Besides, you would thus confer a dangerous power upon the Secretary of the Treasury, enabling him to favor some banks and to ruin others; and even if this power should not be abused, suspicion would always surround its exercise. You must separate from the banks in every particular. Evils,

both to them and to the country, will follow from the least connection with them. Besides, if you receive bank notes at all, to the extent of the amount which you hold on hand, you incur the very same risk of having them converted into irredeemable paper by an explosion of the banks, as if they held them on general deposit.

The Senator commenced his speech by presenting us the most gloomy picture of national distress. He predicted that this distress would continue to increase during the present year, and that it would affect all classes of the community. The suffering, he thinks, will be peculiarly severe during the approaching summer. I might say to him,

"Thy wish was father, Harry, to the thought."

I do not believe, however, he would desire that the people should suffer in order to accomplish any political purpose. But if, without contributing to this result himself, it should be the will of the powers above to involve us in pecuniary distress between this time and the Presidential election, he would doubtless bear the dispensation with Christian fortitude. It would furnish political capital for his friends, and might contribute greatly to verify his prediction, that General Harrison will take possession of the White House on the 4th of March, 1841.

In my opinion, the Senator has greatly exaggerated the extent of the existing distress. That all classes of the community have suffered in some degree is certain; but intense suffering has been chiefly confined to the large commercial cities, and those portions of the Union, such as the State of Mississippi, where the banks have so evidently ruined the people as to place all doubt of the cause at defiance. Where is there the country under the sun on which a bountiful Providence has poured out more blessings than on Mississippi? No population on the globe, in proportion to their number, produces a larger amount of wealth from the cultivation of the soil. And yet the bounty of Providence has been counteracted by her miserable banking system, and her people are now subjected to intense suffering. In this instance the effect flows so palpably from the cause, that every man sees and feels and knows it. What an astonishing fact was that stated by the Senator from Mississippi, [Mr. Walker,] that in those counties of his State where banks do not exist, there is no suffering even at the present moment! If you wanted an illustration of the pernicious effects of the bank-

ing system, when it tempts farmers and planters to abandon their own proper business and embark on the ocean of wild speculation, you could not have one more striking than that presented by Mississippi at the present moment. I am not aware that there is much individual distress among the mass of the people in the interior of Pennsylvania. There it is chiefly confined to those who have been tempted, in the day of prosperity, to go beyond their means by the facility of obtaining bank accommodations.

But if I read the signs of the times aright, the crisis has passed, or rather is gradually passing away. We cannot return to a state of prosperity before the Presidential election; but the condition of individuals, generally, will not be one of intense suffering. The resources of this vast country are so great, and the productive classes are so industrious, that with two years of fair play, they can produce as much wealth as the speculators have been able to squander in one. There will be no great suffering during the next summer, unless it may be in our large commercial cities.

After presenting in glowing colors the distress of the country, the Senator asks what measure of relief have we proposed? I might ask him, in return, where he will find any clause in the Constitution conferring power upon Congress to regulate the banking and credit system of the respective States, and thus strike at the root of our calamities and embarrassments? The present Administration have not had the slightest agency in creating the existing distress, and can do but little to arrest it, or prevent its recurrence. This is a duty which devolves upon the States. Still we have proposed a measure which we believe will produce this effect to a limited extent. Our chief objects in adopting the Independent Treasury, are to disconnect the Government from all banks, to secure the people's money from the wreck of the banking system, and to have it always ready to promote the prosperity of the country in peace, and defend it in war. Incidentally, however, it will do some good in checking the extravagant spirit of speculation, which is the bane of the country.

In the first place, by requiring specie in all receipts and expenditures of the Government, you will create an additional demand for gold and silver to the amount of five millions of dollars per annum, according to the estimate of the President. A large portion of this sum will be drawn from the banks, and this

will compel them to keep more specie in their vaults in proportion to their circulation and deposits, and to bank less. This, so far as it may go, will strike at the root of the existing evil. I fear, however, that it will prove to be but a very inadequate restraint upon excessive banking.

In the second place, this bill will, in some degree, diminish our imports, especially after June, 1842. I most heartily concur with the Senator in desiring this result. What is the condition of the importing business at the present moment? It is almost exclusively in the hands of British agents, who sell all the manufactures they can dispose of in other portions of the world, and then bring the residuum here to glut our markets. According to our existing laws, they receive a credit from the Government for the amount of its duties. They sell the goods for cash; and this credit becomes so much capital in their hands, to enable them to make fresh importations. The Independent Treasury bill requires that all duties shall be paid in gold and silver; and after June, 1842, the compromise law will take away the credits altogether. We shall then have a system of cash duties in operation, which will contribute much to reduce the amount of our importations, and to encourage domestic manufactures.

In the third place, this bill will make the banking interest the greatest economists in the country, so far as the Government is concerned. Their nerve of self-interest will be touched in favor of economy, and this will induce them to unite with the people in reducing the revenue and expenditures of the Government to the lowest standard consistently with the public good. They will hereafter abhor a surplus revenue, as much as they delighted in it formerly, when they used it for banking purposes. Any surplus which may exist in future, will be locked up in gold and silver in the vaults of our depositories; and, in proportion to its amount, will deprive the banks of so much of their specie. They will, therefore, become the partisans of reducing the revenue to the actual and necessary expenditures of the Government; so that the specie may flow out of the sub-treasuries with a rapidity corresponding with its influx. Nothing but a large surplus can seriously injure the banks. This was demonstrated to me by one of the most distinguished financiers which our country has ever produced, not himself, I believe, friendly to the Independent Treasury. These Treasury drafts, in the natural course of business, will find their way either into the banks at the very points where our depositories are situated, or

into the hands of individuals there having duties to pay to the Government. Take, for example, New York. A public creditor receives such a draft on the receiver-general in payment of his debt. Will he carry it to New York, receive payment, and transport the specie from that city? Such instances will be rare. He will generally deposit it to his credit in the bank with which he transacts his business, wherever that may be. This bank, if not in New York, will transmit it for collection to one of the banks there; and thus these banks will draw the specie from our depository as rapidly as it is drawn from them for the payment of the public dues. Thus the equilibrium will be preserved, so long as the Government is without a large surplus. In other instances, these drafts will be sought after and procured by individuals having duties to pay, and they will be presented to the receivers-general, and accepted by them instead of gold and silver.

I now come to another and the most important portion of the gentleman's argument. If the President had taken the Senator from Kentucky under his umbrella, and wrapped his India-rubber cloak around him, and made him his Palinurus to steer the ship of State——

[Here Mr. Clay said this was not a possible case.]

Mr. Buchanan replied, that all things are possible, and wonders will never cease. I admit that such an event is not very probable; but should it ever occur, true as the needle to the pole, the Senator would steer direct for a National Bank. This is the Senator's sovereign panacea for regulating the currency of the country and restraining the extravagance of the State banks. I admit that the true issue now before the country is between an Independent Treasury and a National Bank. "The Pet Bank" deposit system has been such an utter failure that another resort to it cannot be seriously contemplated by any considerable portion of the American people. I feel the utmost confidence in the success of the Independent Treasury, should the law be ably and efficiently executed; but should it fail, the next experiment will doubtless be another Bank of the United States.

Waiving, at present, the constitutional question on which I have often expressed my opinion before the Senate, I propose to take up the Senator's argument, and prove that such a bank would not regulate the currency if it could; and that even if it felt the will to do so, it would be entirely destitute of the power.

Would such a bank, then, if it could, control and regulate

the loans and issues of the State banks? In the affairs of human life, if you expect one agent to restrain another, you ought to render their interests conflicting. The proposition is emphatically true, when such agents are banking corporations, intent upon declaring the largest possible dividends among their stockholders. Now a Bank of the United States, so far from feeling any interest adverse to the State banks, would have the very same inducements with them to make extravagant loans and issues. The duty of such a bank, as a regulator of the currency, would be directly at war with its interest as a banking institution. You cannot raise men above the selfish passions of their nature, by making them directors and stockholders in a Bank of the United States. When their interest as bankers conflicts with their duty as regulators of the currency, the history of mankind points you to the probable result. Like the State banks, they will always extend their loans and their issues, whenever they can do so without endangering their own security. This is the powerful instinct of self-interest. It is absurd, then, to expect that the president and directors of a Bank of the United States will ever become safe and efficient regulators of the currency, in the very face of their own interest as stockholders. It would be easy for me to prove, from historical facts, that neither the former nor the present Bank of the United States ever did exercise a regular and efficient control over the issues of the State institutions. On the contrary, whenever their interest impelled them to extend their own issues, they have pursued this course; and thus, instead of checking, they have given loose reins to the State banks. Both the Bank of the United States and these banks have thus together rushed on, and with united forces have ministered to that spirit of overtrading and extravagant speculation which has so often desolated our country. Time will not permit me to do more than refer to the vast expansions of this Bank in 1817 and 1818, in 1823, in 1831, and in 1834. These produced ruinous contractions and universal distress. I think I may affirm, with perfect safety, that at each of these periods, instead of restraining the State banks, it took the lead. Has it ever preserved the State banking institutions in a sound condition? Let Mr. Gallatin answer this question. He says that one hundred and sixty-five of our banks broke between 1811 and 1830; and during the greater part of this period, we all know that the present Bank of the United States was in active existence.

My great object, however, at this moment, is to prove, from the present condition of the Bank of the United States, how hopeless it is to expect that any similar institution can ever be relied upon as a regulator of the currency. That Bank still exists, if its present condition may be called existence; and this is the first occasion on which I have ever known the Senator to be guilty of ungratefully abandoning an old friend in the hour of calamity. Before I take my seat, I shall endeavor to identify the gentleman and his party with this institution. "They were lovely in life, and in death they shall not be divided."

It is said that the Bank of the United States is now but a mere State institution. But is its character changed by changing the source whence it derives its charter? Is it not still the same institution that it ever has been, with the same capital, the same directors, the same stockholders, and, until very recently, has it not been governed by the same controlling will? Has it not been exultingly proclaimed by its former president, that it now has a much better charter from Pennsylvania than that which it had received from Congress? This is strictly the truth; for such a charter as that under which it now exists was never before granted to any banking corporation, either in England or this country. The United States, it is true, ceased to be a stockholder; but it enjoyed the privilege of selling their seven millions of stock, for which it could have procured, and doubtless did procure, a large advance.

From the very nature of things, this vast monopoly, with a capital of $35,000,000, could not have become a State institution. A single State, with more than a sufficient number of State banks already in existence, could not have furnished employment for its immense capital. It would have starved within such narrow limits.

Did it, in point of fact, confine its operations to Pennsylvania? No, sir; it aspired to regulate the currency and exchanges of the whole Union. This was the high political duty to the performance of which it proclaimed itself destined. To tell me that this Bank all at once changed its character and became a mere State institution, simply because it had received a charter from the Legislature of Pennsylvania, is to deny the evidence of our own senses. Was not the currency issued under the new charter, as well as that under the old, declared, in 1836, to be the best currency which the world had ever seen? Did not the

new notes command the same premium, all over the Union, with the old ones; and would they not still continue to command the same premium if it had not fallen—fallen from its high estate?

Why, sir, it became, in fact, more a Bank of the United States after it received its Pennsylvania charter than it had ever been before. It bought up State banks and converted them into branches, in Louisiana and in Georgia; and it shot out its branch agencies over the whole Union. In New York it has established a branch bank, under their free banking law.

Since its new charter, not content with the whole United States as the theatre of its operations, it has established an agency in England, and aspired "to beard the lion in his den," and to become the rival of the Bank of England in London itself. It scorned to confine itself to banking operations alone; but has invaded the province of the merchant, and has attempted to monopolize and regulate the whole cotton trade between Europe and this country. And yet this Bank is now said to be a mere Pennsylvania institution!

Now, sir, how has it succeeded in the task which it imposed upon itself—of regulating the bank issues, and the foreign and domestic exchanges of the Union? In little more than one year after its charter from Congress had expired, whilst in all respects it was under the same government, and continued to pursue the very same course of policy that it had done before, it became insolvent, and suspended specie payments with less than one million and a half of gold and silver in its vaults, or less than one dollar for twenty-three of its capital, to meet all its immense liabilities. Their amount at the time I do not recollect at present, nor have I the means of ascertaining it in my possession.

Now, sir, I would ask the Senator, is there the least reason to believe that if this bank had continued to be the depositary of the public revenue until May, 1837, that its fate would have been averted, or that we should not then have had a general suspension of specie payments. Why, sir, the public deposits would only have added fuel to the flame; and would have tempted the Bank to engage in still wilder speculations. The overbanking and overtrading of 1836, which were conducted under its auspices, would have become still greater—the expansion would have been still more extravagant—the bloated credit system, which enabled us in that year to import foreign merchandise to the value of nearly one hundred and ninety millions of dollars, might have raised our imports up to two hundred and fifty

millions; and the catastrophe which followed would have been still more dreadful.

In order to repair its fallen fortunes, true to the law of its nature, this Bank has since proceeded from one extravagance to another, until it is now almost a heap of ruins. Instead of controlling and regulating the other banks of the country, it has notoriously been the chief, nay, almost the only cause, of the existing suspension of specie payments. The glory of which its friends now boast is, that it has been able to borrow £800,000 sterling, at an extravagant rate of interest, from private bankers in England, to save it from immediate bankruptcy and ruin. Alas! how are the mighty fallen!

And it is by the creation of another such institution that the Senator seeks to regulate the currency, and control the bank issues of the country! Why, this is faith against fact; speculation against experience. This would be to adopt, as our grand regulator, an institution precisely similar to that which has been the great author of our vast bank expansions, and our bloated credit system; and which has fallen under the weight of its own extravagance. With all the experience which the people of the United States have had upon this subject, it will be long, I trust, very long, before they return to a Bank of the United States.

But I proposed to prove that, even if a Bank of the United States had the disposition to restrain the loans and issues of the State banks, it would not possess the power. I suppose a case for the sake of the argument, which can scarcely ever exist, because, as a regulator of the currency, it would have a duty to perform directly at war with the interest of its stockholders.

The only mode by which it has been thought that this object could be accomplished, was for the Bank of the United States, confining its own business within safe and proper limits, to receive the notes of the State banks on deposit and in payment, and to call upon them at short periods to pay the balances in specie. But, in the nature of things, it would be impossible for such a bank to receive the notes and restrain the over-issues of more than a very few of the eight hundred banks which are now scattered over this country. Each of these banks has its own limited sphere of circulation, and they are not compelled to receive the paper of each other. In point of fact, this is not generally done; nor could any Bank of the United States be required to receive all the notes which these eight hundred paper manufactories are constantly pouring out upon the public. From

the law which regulates currency, that which is the worst, has always the most extensive circulation. Individuals will always hold fast by the gold and silver, and pass away the bank notes; and of these notes, they will pay out the doubtful, and preserve those which are above suspicion. No Bank of the United States, however great its capital, and extended its powers, could ever reach the evil. It could never transact business with one bank in ten, I might say in twenty, of the whole number.

But it is in vain to speculate upon this subject. Experience is the best teacher. One fact is worth one hundred arguments. Independently of the adverse experience of our own country, the experiment has been tried by the Bank of England under the most auspicious circumstances, and it has utterly failed.

The real capital of the Bank of England is about seventy millions of dollars, and it has ten branches at the most commercial and manufacturing points of the kingdom. In 1836, the rate of foreign exchange was largely against England. The specie of the Bank was, therefore, gradually drawn from its vaults for exportation. It became necessary, for its own salvation, that it should make a vigorous effort to diminish the amount of the circulating paper medium, and thereby restore the equilibrium of the foreign exchanges. The bank credits and currency of England had become so inflated, and, in consequence, the prices of all articles had advanced to such a standard, that, to use the language of one of their own statesmen, it had become the best country to sell in, and the worst country to buy in, throughout the world. It was profitable, therefore, to import every foreign production which could be admitted to entry, and on account of the high paper prices of their domestic productions, their exports were greatly diminished. The consequence was, a continued and ruinous drain of specie from the Bank of England to adjust the balance of the trade against that country. The bank well knew that, if it could limit the amount of the paper circulation, it would reduce the price of their home productions in the same proportion, and thus render it profitable for foreign merchants to export British manufactures instead of specie. For this purpose it contracted its loans and issues, in the vain hope that the joint stock and private banks would be compelled to follow its example. In our slang, it put the screws upon them. What was the result? I shall not enter upon a detail of particulars. It is sufficient to say, that, as it contracted, the other banks of the kingdom expanded their loans and their

issues; and that, too, in a greater proportion than its loans and issues were diminished. Prices still continued to rise, and bullion still continued to be drawn out of the Bank for exportation. The utter impotency of this grand regulator of the currency to control the other banks and keep the paper currency of the kingdom within such limits as to arrest the exportation of gold and silver, has thus been so clearly demonstrated, that many of the ablest British statesmen despair of accomplishing the object in any other manner than by restricting the issues of paper money to a single bank, and regulating their amount by the agency of the Government. Here, then, is an important fact incontestably established. If this be true, and there can be no question of its truth, I would ask the Senator how a National Bank, even with a capital of fifty millions of dollars, could regulate and restrain, within proper limits, the loans and issues of eight hundred State banks, scattered over the whole extent of this vast country? The thing is impossible. It could not be accomplished by such a bank.

And what is the condition of the Bank of England at the present moment? According to the testimony of Mr. Horsley Palmer, its president, given before the secret committee of the House of Commons, previous to its recharter in 1833, the principle on which it had proceeded in regulating its issues, was to keep as much coin and bullion in its coffers as amounted to a third part of its liabilities, including sums deposited, as well as notes in circulation. Experience had established the fact, that this rule of one for three of circulation and deposits was the safe proportion. Its necessities have compelled it to depart widely from this rule of its own creation. Instead of being able to regulate the loans and issues of other banks, it has with difficulty been able to save itself. It has been going down and down, until, according to the last quarterly statement of its condition which I have seen, it had not one pound sterling in bullion for seven of its circulation and deposits. In this respect it is in a much worse condition than many of the banks in our own country. In order to save itself from utter ruin, British pride has humbled itself so much, that the Bank of England became a suppliant to that of France for a supply of bullion, which was graciously, though condescendingly, granted. This fact is the highest evidence it is possible to present of the advantages which a country, the basis of whose circulation is gold and silver, enjoys over another country, whose paper currency is greatly

expanded. The Bank of England will probably never see the day, under its present charter, when its bullion will again be equal to one-third of its circulation and deposits. Indeed, one bad crop, in its present condition, would drain it of its gold and silver for the purpose of purchasing foreign grain, and compel it to suspend specie payments. Neither this bank, nor the Bank of the United States, can ever be relied upon as regulators of the loans and issues of the other banks of their respective countries.

The Senator from Kentucky would have "*a well regulated* Bank of the United States." He lays great emphasis upon the words "*well regulated.*" Does he mean to insinuate that the present Bank of the United States, under its charter from Congress, was not the best regulated bank which the world ever saw? I had thought that, in his opinion, this Bank was perfection itself. The truth, however, is, that any regulations which you can prescribe in the charter of such an institution, will be disregarded, whenever a powerful interest dictates their violation. Like the strong man in the Scriptures, it will snap the cords by which it is bound, as if they were thread. It will calculate upon violating its charter with perfect impunity, because it well knows how unwilling Congress would be to inflict so much evil upon the country as would necessarily result from its sudden destruction. Once put such an institution into successful operation, and you can no longer regulate its motion by the restrictions of its charter. The present Bank was ever a lawless institution, up until the day when it fraudulently seized upon the entire circulation of the old Bank, illegal branch drafts and all, and compelled Congress to pass a law making it a penitentiary offence in its officers to reissue these "resurrection notes." Under its State charter, it has been true to its original character. Although it now has a charter such as no other banking institution ever had, it has already been guilty of several palpable violations of this charter, independently of having twice suspended specie payments. I shall not trouble the Senate with the enumeration of these violations. It is now at the mercy of the Legislature. It has pronounced its own doom under its own charter; and it now only remains for the Legislature or the Governor to carry this sentence into execution, through the agency of the judicial tribunals. Whether they shall enforce this forfeiture or not, is for them in their wisdom to determine, not for me. I shall not, in this place, attempt to interfere with their high and responsible duties, although I should consider it the

greatest of all bank reforms, if this Bank could be blotted out of existence.

The Senator ridiculed the idea that the establishment of a new Bank of the United States could prove dangerous to civil liberty. Such a Bank, with a capital of from fifty to a hundred millions of dollars, with branches in every State of the Union, directing, by its expansions and contractions, when prices should rise and when they should fall, would be a most tremendous instrument of irresponsible power. It would be a machine much more formidable than this Government, even if the Administration were as corrupt as the fancy of some gentlemen has painted it. There is a natural alliance between wealth and power. Mr. Randolph once said, "Male and female created he them." Combine the moneyed aristocracy of the country, through the agency of a National Bank, with the Administration, and their united power would create an influence which it would be almost impossible for the people to withstand. We should never again see these powers in hostile array against each other. In the days of General Jackson we witnessed the exception, not the rule. Give any President such a Bank as I have described, and we shall hereafter have a most peaceful succession. With all the power of the Executive, combined with all the wealth of the country, he would be the most arrant blockhead in the world if he were not able to re-elect himself and to nominate his successor. All the forms of the Constitution might still remain. The people might still be deluded with the idea that they elected their President; but the animating spirit of our free institutions would be gone for ever. A secret, but all-pervading, moneyed influence would sap the foundations of liberty and render it an empty name.

The immense power of such an institution was manifested in the tremendous efforts which it made against General Jackson. Had he not enjoyed more personal popularity in this country than any man who ever lived, these efforts would have proved irresistible. As it was, the conflict was of the most portentous character, and shook the Union to its centre. Indeed the Bank, at one time, would, in all human probability, have gained the victory, had the election of President chanced to occur at that period; and we should then have witnessed the appalling spectacle of the triumph of the Bank over the rights and liberties of the people. The Constitution of the country and the Democratic party would then have been prostrated together.

On Friday last, when I very unexpectedly addressed the Senate, I stated a principle of political economy which I shall now read from the book. It is this: "that if you double the amount of the necessary circulating medium in any country, you thereby double the nominal price of every article. If, when the circulating medium is fifty millions, an article should cost one dollar, it would cost two, if, without any increase of the uses of a circulating medium, the quantity should be increased to one hundred millions." The same effect would be produced, whether the circulating medium were specie, or convertible bank paper mingled with specie. It is the increased quantity of the medium, not its character, which produces this effect. Of course I leave out of view irredeemable bank paper.

I do not pretend that, on questions of political economy, you can attain mathematical certainty. All you can accomplish is to approach it as near as possible. The principle which I have stated is sufficiently near the truth to answer my present purpose. From this principle, I drew an inference that the extravagant amount of our circulating medium, consisting, in a great degree, of the notes thrown out upon the community by eight hundred banks, was injurious to our domestic manufactures. In other words, that extravagant banking and domestic manufactures are directly hostile to each other.

I did not understand that the Senator from Massachusetts [Mr. Davis] contested the general proposition that an increase in the currency of any country, without any increase of the uses of a circulating medium, would, in the same proportion, enhance the price of all the productions of that country whose value was not regulated by a foreign demand. He could not have contested this principle. If he had, all history and all experience would have been arrayed against him.

The discovery of the mines of South America, and the consequent vast increase of the precious metals put into circulation in the form of money, have greatly enhanced the nominal price of all property throughout the world. Indeed it is now a matter of curious amusement to contrast the low prices of all articles three centuries ago with their present greatly advanced rates. The Bank of England recognises, and constantly acts upon this principle, though often without success. When prices become so high, in consequence of a redundancy of paper currency and bank credits, that it is more profitable to export the precious metals from the kingdom than its manufactures, this

bank constantly diminishes its loans, raises the rate of interest, and reduces its circulation, with the avowed object of reducing prices to such a standard as will render it more profitable to export merchandise than bullion. It is in this manner that the Bank seeks to regulate the foreign exchanges.

But why need we resort to foreign nations for illustrations of the truth of this position, when it has been brought home to the actual knowledge of every man within this country? Have we not all learned, by bitter experience, that when our periodical expansions commence, the price of all property begins to rise? It goes on increasing with the increasing expansion, until the bubble bursts; and then bank accommodations and bank issues are contracted, the amount of the currency is reduced, and prices fall to their former level. This is the history of our own country, and we all know it. A certain amount of currency is necessary to represent the entire exchangeable property of a country; and if this amount should be greatly increased, without a corresponding increase in the exchangeable productions of the country, the only consequence would be a great enhancement in nominal prices. I say nominal, because this increased price will not enable the man who receives it to purchase more real property, or more of the necessaries and luxuries of life, than he could have done before.

Let me now recur to the proposition with which I commenced; and I repeat that I do not pretend to mathematical accuracy in the illustration which I shall present. The United States carry on a trade with Germany and France, the former a hard money country, and the latter approaching it so nearly as to have no bank notes in circulation under the denomination of five hundred francs, or nearly one hundred dollars. On the contrary, the United States is emphatically a paper money country, having eight hundred banks of issue, all of them emitting notes of a denomination as low as five dollars, and most of them one, two, and three dollar notes. For every dollar of gold and silver in the vaults of these banks, they issue three, four, five, and some of them as high as ten, and even fifteen, dollars of paper. This produces a vast but ever changing expansion of the currency, and a consequent increase of the prices of all articles, the value of which is not regulated by the foreign demand, above the prices of similar articles in Germany and France. At particular stages of our expansions, we might, with justice, apply the principle which I have stated to our trade with

these countries, and assert that, from the great redundancy of our currency, articles are manufactured in France and Germany for one-half of their actual cost in this country. Let me present an example. In Germany, where the currency is purely metallic, and the cost of everything is reduced to a hard money standard, a piece of broadcloth can be manufactured for fifty dollars, the manufacture of which in our country, from the expansion of our paper currency, would cost one hundred dollars. What is the consequence? The foreign French or German manufacturer imports this cloth into our country, and sells it for a hundred dollars. Does not every person perceive that the redundancy of our currency is equal to a premium of one hundred per cent. in favor of the foreign manufacturer? No tariff of protection, unless it amounted to prohibition, could counteract this advantage in favor of foreign manufactures. I would to Heaven that I could arouse the attention of every manufacturer of the nation to this important subject.

The foreign manufacturer will not receive our bank notes in payment. He will take nothing home except gold and silver, or bills of exchange, which are equivalent. He does not expend this money here, where he would be compelled to support his family, and to purchase his labor and materials at the same rate of prices which he receives for his manufactures. On the contrary, he goes home, purchases his labor, his wool, and all other articles which enter into his manufacture, at half their cost in this country, and again returns to inundate us with foreign woollens, and to ruin our domestic manufactures. I might cite many other examples; but this, I trust, will be sufficient to draw public attention to the subject. This depreciation of our currency is, therefore, equivalent to a direct protection granted to the foreign over the domestic manufacturer. It is impossible that our manufacturers should be able to sustain such an unequal competition.

Sir, I solemnly believe that if we could but reduce this inflated paper bubble to anything like reasonable dimensions, New England would become the most prosperous manufacturing country that the sun ever shone upon. Why cannot we manufacture goods, and especially cotton goods, which will go into successful competition with British manufactures in foreign markets? Have we not the necessary capital? Have we not the industry? Have we not the machinery? And above all, are not our skill, energy, and enterprise, proverbial throughout the world? Land is also cheaper here than in any other country on

the face of the earth. We possess every advantage which Providence can bestow upon us for the manufacture of cotton; but they are all counteracted by the folly of man. The raw material costs us less than it does the English, because this is an article the price of which depends upon foreign markets, and is not regulated by our own inflated currency. We, therefore, save the freight of the cotton across the Atlantic, and that of the manufactured article on its return here. What is the reason that, with all these advantages, and with the protective duties which our laws afford to the domestic manufacturer of cotton, we cannot obtain exclusive possession of the home market, and successfully contend for the markets of the world? It is simply because we manufacture at the nominal prices of our own inflated currency, and are compelled to sell at the real prices of other nations. Reduce our nominal to the real standard of prices throughout the world, and you cover our country with blessings and benefits. I wish to Heaven I could speak in a voice loud enough to be heard throughout New England; because, if the attention of the manufacturers could once be directed to the subject, their own intelligence and native sagacity would teach them how injuriously they are affected by our bloated banking and credit system, and would enable them to apply the proper corrective.

What is the reason that our manufactures have been able to sustain any sort of competition, even in the home market, with those of British origin? It is because England herself is, to a great extent, a paper money country, though, in this respect, not to be compared with our own. From this very cause, prices in England are much higher than they are upon the continent. The expense of living is there double what it costs in France. Hence, all the English who desire to nurse their fortunes by living cheaply, emigrate from their own country to France, or some other portion of the continent. The comparative low prices of France and Germany have afforded such a stimulus to their manufactures, that they are now rapidly extending themselves, and would obtain possession, in no small degree, even of the English home market, if it were not for their protecting duties. Whilst British manufactures are now languishing, those of the continent are springing into a healthy and vigorous existence. It was but the other day that I saw an extract from an English paper, which stated that whilst the cutlery manufactured in Germany was equal in quality with the British, it was so reduced in

price, that the latter would have to abandon the manufacture altogether.

The Senator from Massachusetts, after all our experience, doubts whether our currency has been inflated beyond the proper degree; and to prove that it has not been, he says that the rates of exchange upon England have often been below par. This fact does not tend to prove that our paper currency is not inflated at home. Our foreign exchanges are regulated by the specie standard of the world, not by the amount of our bank issues at home; and whether they are above or below par, depends upon whether we are the debtor or the creditor nation. We ought always to be, and would always be, the creditor nation, if it were not for our extravagant speculations in foreign merchandise, produced by the redundancy of our paper credits and circulation. Our immense exports of cotton ought always to produce a balance of trade in our favor; and yet this is rarely the case. There is generally a particular period, however, in the progress of each one of our expansions and contractions, when exchange is in our favor. This occurs after our cotton and other exports have paid the debt previously contracted to foreign nations; and before we have had the time and the ability to get fairly under way in a new career of extravagant importations. To say that this circumstance proves that our paper currency is not inflated, is an argument which I cannot understand. It proves nothing but that Providence has provided us a resource in our vast production of cotton, which enables us to repair the injuries which we suffer from our extravagant speculations. It does not touch my argument to show the pernicious influence which our expanded currency exerts on our domestic manufactures. If it were not for this cause, exchanges would not only be occasionally, but always, in our favor; and the Bank of England could not exercise that controlling influence over our banking institutions of which the Senator from Kentucky so loudly complains. This influence is derived solely from the fact that we are almost always the debtor nation, as we must continue to be, until our wild speculations shall be arrested.

In addition to the reason suggested why foreign exchange has sometimes been in our favor, notwithstanding our extravagant importations, I might add another which has operated with vast power during the last two or three years. This is the immense amount of money which several of the States have borrowed from England within that period. This money con-

stituted a fund on which bills were drawn to a large amount, and consequently reduced the rate of exchange. The payment of the interest on this debt, particularly as we shall probably not soon increase the principal, will operate hereafter in a contrary direction, and will tend to raise, not reduce, the rate of our foreign exchanges.

But the Senator from Kentucky [Mr. Clay] leaves no stone unturned. He says that the friends of the Independent Treasury desire to establish an exclusive metallic currency, as the medium of all dealings throughout the Union, and, also, to reduce the wages of the poor man's labor so that the rich employer may be able to sell his manufactures at a lower price. Now, sir, I deny the correctness of both of these propositions; and, in the first place, I, for one, am not in favor of establishing an exclusive metallic currency for the people of this country. I desire to see the banks greatly reduced in number; and would, if I could, confine their accommodations to such loans or discounts, for limited periods, to the commercial, manufacturing, and trading classes of the community, as the ordinary course of their business might render necessary. I never wish to see farmers and mechanics and professional men tempted, by the facility of obtaining bank loans for long periods, to abandon their own proper and useful and respectable spheres, and rush into wild and extravagant speculation. I would, if I could, radically reform the present banking system, so as to confine it within such limits as to prevent future suspensions of specie payments; and without exception, I would instantly deprive each and every bank of its charter, which should again suspend. Establish these or similar reforms, and give us a real specie basis for our paper circulation, by increasing the denomination of bank notes first to ten, and afterwards to twenty dollars, and I shall then be the friend, not the enemy of banks. I know that the existence of banks and the circulation of bank paper are so identified with the habits of our people, that they cannot be abolished, even if this were desirable. To reform, and not to destroy, is my motto. To confine them to their appropriate business, and prevent them from ministering to the spirit of wild and reckless speculation, by extravagant loans and issues, is all which ought to be desired. But this I shall say. If experience should prove it to be impossible to enjoy the facilities which well regulated banks would afford, without, at the same time, continuing to suffer the evils which the wild excesses of the present banks have hitherto entailed upon the

country, then I should consider it the lesser evil to abolish them altogether. If the State Legislatures shall now do their duty, I do not believe that it will ever become necessary to decide on such an alternative.

We are also charged by the Senator from Kentucky with a desire to reduce the wages of the poor man's labor. We have been often termed agrarians on our side of the House. It is something new under the sun to hear the Senator and his friends attribute to us a desire to elevate the wealthy manufacturer at the expense of the laboring man and the mechanic. From my soul I respect the laboring man. Labor is the foundation of the wealth of every country; and the free laborers of the North deserve respect both for their probity and their intelligence. Heaven forbid that I should do them wrong! Of all the countries on the earth, we ought to have the most consideration for the laboring man. From the very nature of our institutions, the wheel of fortune is constantly revolving and producing such mutations in property, that the wealthy man of to-day may become the poor laborer of to-morrow. Truly, wealth often takes to itself wings and flies away. A large fortune rarely lasts beyond the third generation, even if it endure so long. We must all know instances of individuals obliged to labor for their daily bread whose grandfathers were men of fortune. The regular process of society would almost seem to consist of the efforts of one class to dissipate the fortunes which they have inherited, whilst another class, by their industry and economy, are regularly rising to wealth. We have all, therefore, a common interest, as it is our common duty, to protect the rights of the laboring man; and if I believed for a moment that this bill would prove injurious to him, it should meet my unqualified opposition.

Although this bill will not have as great an influence as I could desire, yet, as far as it goes, it will benefit the laboring man as much, and probably more, than any other class of society. What is it he ought most to desire? Constant employment, regular wages, and uniform, reasonable prices for the necessaries and comforts of life which he requires. Now, sir, what has been his condition under our system of expansions and contractions? He has suffered more by them than any other class of society. The rate of his wages is fixed and known; and they are the last to rise with the increasing expansion, and the first to fall when the corresponding revulsion occurs. He still continues to receive his dollar per day, whilst the price of every

article which he consumes is rapidly rising. He is at length made to feel that, although he nominally earns as much, or even more than he did formerly, yet, from the increased price of all the necessaries of life, he cannot support his family. Hence the strikes for higher wages, and the uneasy and excited feelings which have at different periods existed among the laboring classes. But the expansion at length reaches the exploding point, and what does the laboring man now suffer? He is for a season thrown out of employment altogether. Our manufactures are suspended; our public works are stopped; our private enterprises of different kinds are abandoned; and whilst others are able to weather the storm, he can scarcely procure the means of bare subsistence.

Again, sir: who, do you suppose, held the greater part of the worthless paper of the one hundred and sixty-five broken banks to which I have referred? Certainly it was not the keen and wary speculator, who snuffs danger from afar. If you were to make the search, you would find more broken bank notes in the cottages of the laboring poor than anywhere else. And these miserable shinplasters, where are they? After the revulsion of 1837, laborers were glad to obtain employment on any terms; and they often received it upon the express condition that they should accept this worthless trash in payment. Sir, an entire suppression of all bank notes of a lower denomination than the value of one week's wages of the laboring man is absolutely necessary for his protection. He ought always to receive his wages in gold and silver. Of all men on the earth, the laborer is most interested in having a sound and stable currency.

All other circumstances being equal, I agree with the Senator from Kentucky that that country is most prosperous where labor commands the highest wages. I do not, however, mean by the term "highest wages," the greatest nominal amount. During the Revolutionary war, one day's work commanded a hundred dollars of continental paper; but this would scarcely have purchased a breakfast. The more proper expression would be, to say that that country is most prosperous where labor commands the greatest reward; where one day's labor will procure, not the greatest nominal amount of a depreciated currency, but most of the necessaries and comforts of life. If, therefore, you should, in some degree, reduce the nominal price paid for labor, by reducing the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your

paper circulation, would this injure the laborer? Certainly not; because the prices of all the necessaries and comforts of life are reduced in the same proportion, and he will be able to purchase more of them for one dollar in a sound state of the currency, than he could have done, in the days of extravagant expansion, for a dollar and a quarter. So far from injuring, it will greatly benefit the laboring man. It will insure to him constant employment and regular prices, paid in a sound currency, which, of all things, he ought most to desire; and it will save him from being involved in ruin by a recurrence of those periodical expansions and contractions of the currency, which have hitherto convulsed the country.

This sound state of the currency will have another most happy effect upon the laboring man. He will receive his wages in gold and silver; and this will induce him to lay up, for future use, such a portion of them as he can spare, after satisfying his immediate wants. This he will not do at present, because he knows not whether the trash which he is now compelled to receive as money, will continue to be of any value a week or a month hereafter. A knowledge of this fact tends to banish economy from his dwelling, and induces him to expend all his wages as rapidly as possible, lest they may become worthless on his hands.

Sir, the laboring classes understand this subject perfectly. It is the hard-handed and firm-fisted men of the country on whom we must rely in the day of danger, who are the most friendly to the passage of this bill. It is they who are the most ardently in favor of infusing into the currency of the country a very large amount of the precious metals.

The Senator has advanced another position in which I am sorry I cannot agree with him. It is this: that a permanent high rate of interest is indicative of the prosperity of any country. Now, sir, a permanent high rate of interest is conclusive evidence of a scarcity of capital, and is indicative of any thing but prosperity. I think, therefore, it will puzzle him, with all his ingenuity, to establish his proposition. To render a country truly prosperous, capital and labor must be so combined as each to receive a fair reward. In England, when the rate of interest was very high, the country was not at all in a flourishing condition; but as capital gradually accumulated, and the rate of interest consequently sunk, she became more and more prosperous, though she did not reach her highest elevation until

money yielded considerably less than five per cent. But this subject is so little relevant to the question under discussion, that it is scarcely necessary to pursue it. If it were, it would be easy to show that a high rate of interest, generally, if not universally, enters into direct conflict with the wages of labor, which the Senator is so anxious to maintain. Suppose, for example, that it required a capital of $20,000 to put and to preserve an iron manufactory in successful operation. In one country the interest on this sum at ten per cent. would amount to $2,000, whilst in another it could be procured at four per cent. or $800. The difference would be $1,200; and, unless this amount can be saved either by a reduction in the wages of labor, or in some other manner, the manufacturer who pays the higher rate of interest cannot endure the competition. A high rate of interest almost always presses upon the wages of labor.

If the gentleman's theory be correct, Wall street must be a perfect paradise of prosperity. *There,* the rate of interest for a long time has been permanently high, varying between two and four per cent. a month, or between twenty-four and forty-eight per cent. per annum. Post notes of the Bank of the United States have been discounted freely at two per cent. per month. With these facts before him, Mr. Jeffery would not now declare, as the Senator informs us he formerly did, "that this country was the heaven of the poor man and the hell of the rich." He might probably reverse the position, though it would be equally extravagant one way as the other. A country in which a rich man can realize from twenty-four to forty-eight per cent. for his money, would certainly be any thing but a place of torment for him. But what is the condition of a poor man in such a country? When capital commands such an extravagant interest to liquidate commercial debts, it will no longer be used in the employment of labor; and hence poor men must necessarily be thrown out of employment. Such a condition is any thing but a heaven for them.

The Senator exclaims with holy horror, "the Stuarts are still upon the throne, and Charles the Second has succeeded Charles the First." He has, I think, been very unfortunate in this historical allusion, if he intended to compare our Andrew with the first Charles. The enemies of Charles cut off his head, whilst our Andrew, politically speaking, cut the heads off all his enemies; and many of them were in such terror of him, that they dreaded he might turn the metaphor into a reality, and

cut off their heads in earnest. Charles the Second did not succeed Charles the First. My Lord Protector intervened. Although he and the Senator from Kentucky are as different in other respects as two able and brave men can be, yet whilst he was speaking, it struck me that there was one striking point of resemblance between them. And what, sir, do you think that was? My Lord Protector always began and ended every thing as the Senator has begun and ended his speech—*with prayer*. Then in regard to the second Charles, I have a little to say. Of all men, the Senator ought to be the last to disparage our Martin. I have read of a great conquered General, who always pronounced his conqueror to be a very able and brave man, because, as the historian observes, it would have lessened the merits of the vanquished to have been overcome by a fool or a coward. The Senator, in speaking of Martin, ought rather to exclaim,

"Great let me call him, for he conquered me."

If, in addition, the little magician should be victorious over the hero of Tippecanoe, in the great battle to be fought the approaching autumn, and I have full faith that such will be the result, then he will go down to posterity with all "his blushing honors thick upon him."

Thanking the Senate for their patient attention, I shall now resume my seat.

REMARKS, JANUARY 24, 1840,

ON A PETITION FOR A DUTY ON SILK.[1]

Mr. Buchanan presented a memorial from a number of citizens of the State of Pennsylvania, asking Congress to impose a moderate duty upon the importation of silk.

In presenting this memorial, Mr. B. said that he would take the liberty of making a few brief remarks. The morus multicaulis speculation had passed away; but, unlike other speculations, it had produced consequences which were destined, at no distant day, to promote essentially the prosperity of the country. The culture and manufacture of silk were now naturalized amongst us, and must, ere long, in a considerable degree, serve to reduce the amount of those extravagant importations which were so injurious to the best interests of the country. In the year

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 143.

1836, silks had been imported to the value of nearly $23,000,000, and in 1837 the amount was more than $14,000,000. In the general reduction of imports in 1838, their value had sunk to $10,000,000; but the expansion of 1839 had doubtless considerably increased the amount, although he had no information in his possession which enabled him to state precisely to what degree. It was an astonishing fact, that during the three years of 1836, 1837, and 1838, we had imported considerably more than three times a greater amount in value of silks than we had exported in flour.

Mr. B. said he had not the least doubt, that before the close of the present session, we should be compelled to raise additional revenue to meet the necessary expenditures of the Government. And, he asked, was there a single article imported into the country, upon which a duty could be imposed with greater propriety than upon silks? Silk goods were articles not of necessity, but of luxury; and by far the larger proportion of the tax would be paid by the wealthy. Whilst it would be imposed for the purpose of revenue alone, it would afford incidental encouragement to the domestic production of this article; and there was no anti-tariff Senator within his knowledge, who would object to such a consequential benefit to so important a domestic interest. A duty upon the importation of silks would not violate, but was in accordance both with the letter and spirit of the compromise act of March, 1833. This act expressly provided, that in the contingency of a deficiency of revenue, duties might be imposed, not exceeding twenty per cent. upon such articles as either paid no duty, or a less amount of duty than twenty per cent. It was known to the Senate that, under our existing laws, silks were admitted free of duty. In his opinion, it would be much wiser to raise a revenue upon the importation of silks, than to create a debt against the country, either by the issue of Treasury notes, or by borrowing money.

Mr. B. said that we had no treaty with any foreign nation which would prevent Congress from imposing any duty they might think proper on the importation of silks. He had heard it stated in conversation, that our treaty with France might stand in the way; but he had examined this treaty, and found it had no application whatever to the subject.

He knew that, under the Constitution of the United States, all bills for raising revenue must originate in the House of Representatives; but the Senate might propose such amendments

to these bills as they thought proper. Notwithstanding this prohibition, he hoped that the Committee on Finance of the Senate might have an opportunity of constitutionally expressing their opinion on this subject before the close of the session; and to their hands he committed it with the most perfect confidence.

The memorial was then referred to the Committee on Finance.

REMARKS, FEBRUARY 11, 1840,

ON A MEMORIAL RELATING TO THE USE OF BLOODHOUNDS IN THE SEMINOLE WAR.[1]

Mr. Buchanan presented a memorial from the representatives of the religious Society of Friends in Pennsylvania, New Jersey, and Delaware, and also fourteen memorials from citizens of the city and county of Philadelphia, remonstrating against the employment of bloodhounds in the war against the Seminole Indians; and moved their reference to the Committee on Military Affairs.

Mr. Benton said he wished to say a few words in relation to these memorials. He supposed they were like some other memorials, a large proportion of whose signers were women and children. He would say that the Government contemplated no such thing as that prayed against by these memorialists; and they were, therefore, misdirected when they sent them here. If some individuals of the Territory of Florida have imported such animals as those mentioned in the memorials, it has been done without the consent or knowledge of the Government. He was, therefore, opposed to a reference to a committee, requiring them to act on a subject which had no existence in point of fact.

Mr. Buchanan said he had presented these memorials, expecting that they would be referred to the Committee on Military Affairs, without a single remark, knowing that they could and would, in a report of a dozen lines, exonerate the Government from this heavy charge. He could himself have assured the memorialists that these bloodhounds had been imported without the knowledge of the War Department; but he preferred it to come in a more official shape—as the report of a committee. If his friend from Missouri would examine these memorials, he

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[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 183, 183–184.

would ascertain that they were signed by many of the most respectable and best informed citizens of Philadelphia, without distinction of religious sect or political party. There were no women and children, as he had supposed, among the memorialists.

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Mr. Buchanan said he had purposely refrained from entering into a discussion of this subject, but would only say that the people of the country had a right to be informed concerning it, and the committee to which he proposed to refer these memorials was the best source to which we could apply for that information.

The memorials were then referred to the Committee on Military Affairs.

REMARKS, FEBRUARY 13, 1840,

ON A PETITION FOR THE ABOLITION OF SLAVERY.[1]

Mr. Clay, of Kentucky, presented the petition of Michael H. Barton, praying for the abolition of slavery. He said that he presented this paper in deference to the right of petition, which he admitted in its full force. He thought the crisis of this unfortunate agitation was passed; it was certainly passed when Congress convened in December last. Whether the political uses which have since been made of it may not revive it, and revive it in a more imposing form, he was not prepared to say.

Mr. C. took occasion to express the gratification which he had derived, during the last summer, from the perusal of some valuable works from Northern pens on the subject of Abolition, and he considered them the ablest defences of Southern institutions which he had seen. He designated "The Review of Dr. Channing Reviewed," by a distinguished citizen of Boston; "Abolition a Sedition;" and "Some Thoughts on Domestic Slavery;" which were sold at Mr. Franck Taylor's book store on the avenue, this side of Gadsby's. In the last named work, which contained many profound philosophical truths, the proposition was presented with uncommon force, that two communities of distinct races cannot live together without the one becoming more or less in subjection to the other. Mr. Clay had called

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 187, 188–189, 197.

the writer's attention to the illustration given to his argument by Lord Durham, in his report on the condition of Canada, submitted to the British Government. He expressed the firmest conviction that whoever would read that report would come to the same conclusion which was arrived at by the author of "Thoughts on Domestic Slavery." Lord Durham states, as his decided opinion, after much observation of the French and British residents in Canada, that they cannot live together harmoniously, and that it is utterly impossible to hope for peace and tranquillity in those provinces, except by making one portion of the inhabitants subordinate to the other.

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Mr. Buchanan said he did not rise to make a speech, but to submit a motion. Before he did this, however, he would take leave to make a very brief explanation. Although he had ever carefully avoided to speak of his own past conduct in the Senate in terms which might appear like self commendation, yet, upon the present occasion, he deemed it necessary to refer to his former course upon the subject of Abolition.

In the session of 1835–'6, said Mr. B., when an alarming excitement prevailed on this subject throughout a large portion of the country, I took a decided stand against the Abolitionists. I then presented a memorial from the Caln Quarterly Meeting of the highly respectable religious society of Friends in Pennsylvania, asking Congress to abolish slavery in the District of Columbia; and at the time of its presentation, I declared that, upon its reception, I should immediately move that the prayer of the memorialists be rejected. This memorial was received by a vote of 36 to 10; and my motion to reject the prayer of it prevailed, with but six dissenting voices. Since this decision, the Senate had adopted a practice which I think has proved eminently beneficial, because it has afforded us peace and quiet upon this subject. The memorial is presented, objection is made to its reception, and a motion to lay the question of reception upon the table is then immediately made and adopted. This precludes all debate and all agitation.

Now, said Mr. B., in consequence of my conduct here throughout that session, I have borne the brunt of the Abolitionists at home. I agree with the Senator from Kentucky that the danger has passed away, at least in Pennsylvania. The crisis is now over; and the fanaticism which threatened to invade the

constitutional rights of the South, and to dissolve the Union, has been nearly extinguished.

The battle has been fought, where it must ever be fought, not in the South, but in the North. It is we of the North who must ever sustain the shock in such a contest. Under these circumstances, I appeal most solemnly to Senators from the slaveholding States, whether they ought not to be governed, in a great degree, by our advice as to the mode in which these Abolition petitions shall be treated. It is impossible, after all which has passed, that they can doubt our devotion to the constitutional rights of the South. Let me assure them, then, that our greatest danger is from agitation here. Excitement is the element in which Abolition lives, and moves, and has its being. A flame kindled in the Capitol would soon pervade the Union. Let a question now be raised upon the abstract right of petition—let the enemies of Abolition in this body divide upon this question, as they probably would, and they will jeopard the great cause, to the maintenance of which they are all devoted, in this most unprofitable strife. The discussion of the Abolition question here can do no possible good, and may do much positive harm. When did fanaticism ever yield to the voice of reason? Let it alone, and it will soon burn out for want of the fuel on which it feeds.

Deeply and solemnly impressed with a conviction of the truth of these sentiments, and for the purpose of arresting this debate, I make the accustomed motion, which cannot be debated, that the question on the reception of this memorial be laid upon the table.

Mr. Brown here interposed, in the most earnest manner, and urged Mr. Buchanan to withdraw his motion, to afford him an opportunity of answering remarks which he considered personal to himself. After much solicitation from him,

Mr. Buchanan reluctantly consented to withdraw his motion, at the same time declaring that he would renew it on the very first opportunity after the Senator had made his remarks.

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On motion of Mr. Buchanan, the motion to receive the petition was laid on the table.

REMARKS, FEBRUARY 14, 1840,

ON A PETITION FOR A DUTY ON UMBRELLAS.[1]

Mr. Buchanan said that he rose to present a petition signed by six hundred and twenty-seven citizens of the city and county of Philadelphia, "manufacturers of, and employed in the manufacture of, umbrellas and parasols."

These petitioners state that, under the twenty-first clause of the second section of the tariff act of July, 1832, a duty of twenty-five per centum ad valorem was imposed on the importation of "umbrellas and parasols, of whatever materials made." That this duty continued to be collected from the time that act went into operation, until the month of March last; when, under a new construction of the compromise act of March, 1833, silk umbrellas and parasols have been admitted free from any duty whatever.

The memorialists, therefore, ask Congress to pass an explanatory act imposing the same duties on silk umbrellas and parasols which were paid, under the acts of July, 1832, and March, 1833, until the month of March, 1839. They conclude by declaring that upon the action of Congress "depends the support of the many thousands who are engaged in the hitherto growing branch of domestic industry, which has amounted to millions of dollars per annum, but if admitted free from duty, umbrellas and parasols must cease to be of American manufacture."

Mr. B. said that if the Senate were a proper forum in which to debate or decide judicial questions arising under our own laws, he thought he could convince the body that the first construction of the compromise act, which had prevailed for six years, was correct, and that the late construction was not warranted by the spirit of that law.

In what condition had this recent construction placed our umbrella manufacturers? All the articles entering into the manufacture of umbrellas, such as whalebone, brass, and iron, now paid a considerable duty. To the extent of this duty, the foreign manufacturer enjoyed a premium over the domestic manufacturer; because the umbrellas of the former were imported altogether free of duty. He did not believe that any Senator who voted for the compromise bill, would say that he intended this act should receive any such construction, or produce any such effect.

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 198.

Mr. B. trusted that the Committee on Finance would determine that a revenue duty of twenty per cent. should be imposed on the importation of foreign silks, and this would relieve the petitioners. Or, if this should not be the case, that they would report an explanatory bill, placing the umbrella manufacturers in the same position they had occupied for the six years previous to March, 1839.

The memorials were then referred to the Committee on Finance, and ordered to be printed, with the accompanying document from Samuel Wright and William A. Drown, the Committee of Umbrella Manufacturers.

REMARKS, FEBRUARY 17, 1840,

ON THE ASSUMPTION OF STATE DEBTS.[1]

The resolutions connected with the report of the Select Committee on the assumption of the State debts were taken up, as follows:

1. *Resolved,* That the assumption, directly or indirectly, by the General Government, of the debts which have been, or may be, contracted by the States for local objects or State purposes, would be unjust, both to the States and to the people.

2. *Resolved,* That such assumption would be highly inexpedient, and dangerous to the Union of the States.

3. *Resolved,* That such assumption would be wholly unauthorized by, and in violation of, the Constitution of the United States, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

4. *Resolved,* That to set apart the public lands, or the revenues arising therefrom, for the beforementioned purposes, would be equally unjust, inexpedient, and unconstitutional.

The question was on the substitute offered by Mr. Crittenden, as follows:

Resolved, That the debts of the several States, so far as they are known to the Senate, have been contracted in the exercise of the undoubted right and constitutional power of said States respectively, and that there is no ground to warrant any doubt of the ability or disposition of those States to fulfil their contracts.

Resolved, That it would be just and proper to distribute the proceeds of the sales of the public lands among the several States, in fair and rateable proportions, and that the condition of such of the States as have contracted debts is such at the present moment of pressure and difficulty as to render such distribution especially expedient and important.

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[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 204–205.

Mr. Buchanan asked the Chair if it would be in order to amend the resolutions offered by the Select Committee, and being answered in the affirmative, said that for the purpose of placing himself in a correct position, and to avoid voting against what he deemed the truth, he would move that the original resolutions should be amended by adding thereto, as a distinct and separate resolution, the first resolution of the substitute. Whilst he should most freely vote that it was unconstitutional, inexpedient, and unjust, for Congress to assume the payment of the existing debts of the States, he was anxious, at the same time, to express his entire confidence both in the ability and will of these States to pay their debts honestly and in good faith. In the expression of this opinion, he would go as far as the Senator from Kentucky, and was, therefore, willing to adopt his resolution on this particular branch of the subject.

Mr. Phelps, who was entitled to the floor, not being present, the further consideration of the subject was postponed until to-morrow.

REMARKS, FEBRUARY 24, 1840,

ON THE QUESTION OF A BANKRUPT LAW.[1]

Mr. Webster submitted a memorial, and went somewhat at length into an argument in favor of the passage of a general bankrupt law, submitting an outline of the proposed law.

Mr. Buchanan said he rose to make a suggestion to the Senator from Massachusetts and to the members of the Judiciary Committee on this important subject, which he hoped they would take into serious consideration in framing a bankrupt bill. In the session of 1821, '2—the session in which he first entered the House of Representatives—there was a bankrupt bill before that body, which was extensively discussed. At the first, his impressions were favorable to its passage; but they had undergone a change before question was finally taken, and he had made a speech, and voted against the adoption of that measure. This change was produced by the arguments of a distinguished member from South Carolina, (Mr. Lowndes,) now no more, who, in his estimation, possessed more political information and better matured practical wisdom, than any other statesman he

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 220.

had ever known. Mr. Lowndes was then in a state of such feeble health that he had not physical strength sufficient to enable him to present his views at large to the House, though, according to his best recollection, he had made the attempt, and was obliged to desist. He had, however, conversed with him freely upon the subject.

His chief objection to the bill then before the House, according to Mr. B.'s best recollection, was that the bankrupt law of England was not at all applicable to this country. That from the extent of the United States, and the few Federal courts which existed, it must in practice prove an intolerable burden to the people. That all the judicial business involved in the settlement of a bankrupt estate must necessarily be drawn into these courts, and they were at such a distance from a large proportion of the people, that the attendance of parties, jurors, and witnesses, upon them, would be exceedingly oppressive. And that the difficulties thus interposed to the attainment of justice would prevent justice from being done in the settlement of bankrupts' estates. These points Mr. B. had attempted to enforce in the remarks which he had made in opposition to the bill.

REMARKS, FEBRUARY 26 AND 27, 1840,

ON THE PROHIBITION OF SMALL PAPER CURRENCY.[1]

[Feb. 26.] The following resolution, submitted on Monday by Mr. Buchanan, was taken up for consideration:

Resolved, That a select committee be appointed for the purpose of inquiring into the expediency of proposing to the States such an amendment to the Federal Constitution as will secure a larger specie basis for the circulation of the country, by prohibiting the issue and circulation of bank notes and other paper currency of denominations so low as to prevent the circulation of gold and silver in the ordinary transactions of business and in payment of the wages of labor.

Mr. Webster said that he wished to treat the motion of the honorable member from Pennsylvania with perfect courtesy and respect, and felt reluctant to oppose it, as it proposed only a committee for inquiring into the expediency of a measure. Yet, with the opinion which he held on the subject to which it referred, he could not let it pass under circumstances from which his con-

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. Appendix, 218, 219, 220, 220–221.

currence in it, in any degree, might be inferred. We had recently had experience of the evil consequences of not dissenting, at the beginning, from things which must be opposed in the end.

His objections to the resolution were, first, that Congress already possessed full and adequate powers over the currency. What was wanted was the exercise of those powers. We had full power to regulate commerce, and currency, whether metallic or paper, as the great instrument of commerce; but had ceased to exercise this power. If we proposed to amend the Constitution, in order to get new powers, it would imply that we thought our present powers not ample. Now, he thought them ample. If we would only exercise them as they had been exercised successfully for forty years, we could accomplish, probably, all we desired. At any rate, we did not exercise them at all.

His next objection was, that there was not the least reason to suppose that any such proposed amendment would prevail. The States derived revenue from their banks. They were in favor of the circulation of small notes, and would not be at all likely to consent to the suppression of them; at least not so many of the States as would be required. Nor, indeed, did he see any reason to think that the constitutional majority of the two Houses of Congress could be obtained in favor of the proposition.

If, indeed, nothing else was to be proposed; if we were to do nothing, nor have any thing done, till the Constitution could be amended, as was now proposed, and until we found relief in the effect of such amendments, the condition of things, he confessed, was even more deplorable than he had yet been quite willing to regard it.

Mr. Buchanan said that, on this preliminary question, he should detain the Senate with but a brief exposition of his views in presenting the resolution. Indeed, he had not anticipated any debate upon the subject, supposing that Senators would have waited until the report of the committee should be made.

In the first place, (said Mr. B.) no gentleman will deny the truth of the proposition, that it is desirable to infuse into the general circulation of the country a much larger proportion of gold and silver than exists at present. Every thing which we see, and hear, and feel around us, must convince us all that this is an object of the first importance. On this point, therefore, I shall offer no argument upon the present occasion.

What, then, is the only possible mode of accomplishing this

purpose? It is a law of currency almost as universal in its operation as any law of nature, that paper and specie of the same denominations cannot circulate together. We all recollect the celebrated message sent by Mr. Burke to Mr. Pitt, in the year 1797 or 1798, that, if he consented to the issue of one pound notes, he would never see a guinea again. The subsequent experience of England had proved the sagacity of the statesman; and guineas and sovereigns were almost as completely banished from general circulation in that kingdom as if they did not exist. After a persevering struggle of many years, led by their most distinguished statesmen of both the great political parties, the five pound note policy, originally advocated by the celebrated Adam Smith, finally prevailed. One pound notes were excluded from circulation, and, in the course of a very few years, it was estimated that one-half of the currency of that country consisted of the precious metals. The lowest bank note is now of the denomination of about twenty-four dollars. They have now about half and half of paper and specie.

What is the condition of our own country in this respect? Can our half eagles circulate together with five dollar notes? That they do not must be admitted by all. Will eagles ever circulate generally in a country where there are ten dollar notes issued in abundance to take their place? In those States where one dollar notes are in general circulation, it is almost as rare a thing to see a silver dollar as it is in other States, where five dollar notes circulate, to find a half eagle.

If there ever was a question upon which there had appeared to be a unanimous, or almost unanimous, opinion among our public men of all parties, it was in regard to the necessity of excluding from circulation all bank notes and other paper currency of a less denomination than twenty dollars. This, all admit, ought to be effected gradually, and in such a manner as to give no shock to the business of the country; but all agree in the ultimate object. It was a favorite principle with General Jackson, and had found equal favor with the present President of the United States. My friend from Missouri [Mr. Benton] had presented this question to the Senate some years ago, and, on his motion, we had adopted an amendment, with unexampled unanimity, prohibiting the officers of the Government from receiving or disbursing bank notes of a less denomination than twenty dollars.

The same principle had been adopted in the celebrated cur-

rency bill; and, under its provisions, after a certain period, the notes of no bank which issued notes of a less denomination than twenty dollars were to be received in the payment of the dues to the Government. The Senator from Virginia [Mr. Rives] had, on that occasion, made the ablest speech he had ever heard him deliver on this floor, in favor of the principle of excluding from circulation notes under twenty dollars.

Now, sir, can human ingenuity devise any mode of accomplishing this object so much desired by all, but by an amendment of the Constitution? If it can, I should adopt that course. I hold the Constitution in such reverence, that I would not offer to amend it without absolute necessity. I would apply the rule of epic poetry to its provisions—I forget the Latin quotation—and say that the power of a divinity ought never to be invoked without absolute necessity. To use the phrase of the Senator from South Carolina, [Mr. Calhoun,] I can see no mode under God's heavens of accomplishing the object but by amending the Constitution. If one State undertakes to make this reform, what is the consequence? Other States will not adopt it; and their five and ten dollar notes fill up the vacuum. Hence, in self-defence, those States which desire a reform are obliged to submit to the evils of the small note currency. There is no mode of reaching it but by proposing to all the States an amendment to the Constitution which will be alike binding on all.

If I concurred in opinion with the Senator from Massachusetts [Mr. Webster] that Congress already possess the power of regulating the currency of the States, I certainly should not propose such an amendment. His sentiments are peculiar upon the subject, and I should be glad that he would point out the particular manner in which this can be accomplished. It is certainly not by the agency of a Bank of the United States; because, if such an institution should ever be re-established, and I trust it never may, you could only provide by its charter that it should not issue notes under twenty dollars. No man will contend that this would prevent the issue and circulation, under the authority of the States, of notes of smaller denominations.

Who doubts the utility of such a regulation to the banks themselves? At present, when there is a demand for gold and silver for exportation, and their vaults become exhausted, they have no mode of replenishing them. The specie necessary for this purpose is not in circulation in the country. Adopt this amendment, and the difficulty will at once vanish. As the specie

is withdrawn from them, the void will be supplied by their drawing upon the circulation of the country for the necessary amount. Let there be a general circulation of half specie and half paper, and the danger of suspensions of specie payments will be comparatively at an end.

But I promised that I should not detain the Senate long, and I shall not be drawn into a general discussion of the merits of the proposition at this stage, unless compelled to do so by the course of other gentlemen.

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Mr. Buchanan said that the Senator from Massachusetts [Mr. Webster] had now made a distinct avowal of the mode by which he would restrain the issue and circulation of bank notes of the smaller denominations. He thought that Congress possessed the power of accomplishing this purpose by direct legislation upon the banks of the States. He would not, upon the present occasion, argue this broad question with the Senator; but should content himself by declaring that he was entirely opposed to any such construction of the Constitution. At the proper time, he should be ready to compare notes with him upon this branch of the subject.

The Senator had stated that it would be a vain effort to apply to the States for such an amendment to the Constitution; and in proof of this assertion had observed that several of those States which had prohibited the issue of bank notes under five dollars had fallen back, and now authorized the circulation of notes under that denomination. But what was the chief cause of this retrograde movement? It is not that these States believed it was vain singly to attempt the reform, when the only effect of their individual action was to substitute the small notes of other States instead of their own? For the want of such an amendment to the Constitution as is now intended to be proposed, several of the States opposed to the circulation of small notes, have felt themselves compelled, I think unwisely, to abandon the policy on which they had embarked.

If the proposed amendment be right in itself, it will eventually prevail. He had such an abiding confidence in the intelligence and patriotism of the people of the country, that he was convinced that, if the public interest demanded the measure, it would be finally adopted. So far as he was acquainted with the indications of public opinion in his own State, they were decid-

edly favorable. He was determined to bring the question fully and fairly before the people, so far as an humble individual could; and whatever might be the result of his present attempt, to pursue the subject with energy and perseverance, until success should crown his efforts, or he should discover that success was not attainable.

He would say a few words in reply to the Senator from North Carolina [Mr. Strange.] Mr. B. was a plain, practical man, and was content to consider human affairs as they were, not as gentlemen might think they ought to be, or would be, at some remote period of time. On this question, he feared there was a radical difference between the Senator and himself. There were twenty-six States of this Union, who had all, from their origin, exercised the power of creating banks. This power had been in uninterrupted operation for half a century. It was now too late to question its existence. No man now living would ever see the day when this power would be abandoned by the States. There it was, and there it would remain, in spite of all the Senator could do to destroy it. He acknowledged that the proposed amendment rested upon the assumption that these banks would continue to exist under State authority, in some form or other, and would issue a paper currency.

He had been no little surprised, therefore, to learn from the Senator that one ground of his opposition to the amendment was, that it would arrest the progress of public opinion, and enable the banks to ride out the present storm. His own fears differed very widely from those of the Senator. He was afraid, not that the banks would perish in the gale, but that the State Legislatures might act as they had done on a former occasion, and not impose upon them those wholesome restrictions necessary to guard the public against the evils of future suspensions. The Senator (said Mr. B.) mistakes my purpose in supposing that it is the same with his own, and that I desire to aim a death blow at the banks. It is in this respect that I fear he and I radically differ. Whatever might be my opinion of the question, were it now for the first time to be decided whether we should establish banks or not, I find them now in existence, and so interwoven with the habits and interests and feelings of the people that they cannot be destroyed. For good or for evil, they will continue to exist long after he and I shall have been gathered to our fathers. It is, therefore, my purpose, not to destroy, but

radically to reform them; to deprive them of the power of doing evil, and to restrict them in such a manner as to make them useful agents of the public, instead of instruments ruinous to the prosperity of the people. Lord Liverpool had once said of the banking system of England, that "it was the most insecure, the most rotten, and the very worst of which it was possible to conceive." He would not apply such strong epithets to our banking system; though he would say that it was difficult for him to conceive how it could be much worse. The expansions and contractions and suspensions of specie payments to which, from the very law of its nature, it was subject, were ruinous to the best interests of the country. He believed that the States would eventually reform it, and, if that were found impracticable, would destroy it and substitute another system in its stead. Still State banks, in some form or other, whether by special charter, or under free banking laws, or in some other manner, would continue to exist and to issue paper currency. Now, what was the greatest reform which could be made to any system of State banking which the human mind could devise? Was it not to increase the specie basis of the paper currency—was it not to secure the circulation of gold and silver in the ordinary transactions of life and in the payment of the wages of labor? This restriction alone would be the greatest practical bank reform and the greatest security against future suspensions which could possibly be devised; and it could never be accomplished without an amendment of the Federal Constitution. I can easily perceive why the Senator, with his views, is opposed to the amendment. Those who calculate upon the destruction of all the banks of the country, and indulge in the visionary hope that we are about to return to a pure metallic currency in all the business transactions of all the people of the United States, may consistently oppose every great reform in the banking system. They may hope that the more evils it inflicts upon the people, the shorter will be its duration. For myself, I indulge in no such expectations, and I desire to reform that which I know I could not, if I would, destroy.

In these remarks, I have studiously avoided all party allusions. This is a question which ought to be placed above party, because it is deeply interesting to every individual citizen of the country, whatever may be his political attachments, and I confess that mine are very strong.

[Feb. 27.] The subject again coming up for consideration—

Mr. Calhoun said, that he rose simply to state the grounds upon which he was compelled to vote against this resolution. The amendment contemplated by the resolution would, if it should ever be adopted, engraft on the Constitution the banking system. To this I cannot give my assent, nor can I do any act that might imply it. According to my conception, long entertained, and openly expressed for the last six years, on all suitable occasions, it would be one of the greatest calamities that could befall the country.

Thus thinking, I cannot vote for the resolution; and yet I regret that I find myself placed in a situation to vote against a resolution of inquiry, which, by the courtesy of the body, is usually granted as a matter of course. But, as the resolution stands, it is impossible, with my conception, to extend it to the present case. If, however, the mover would enlarge it, so as to make it embrace a general inquiry into the expediency of so amending the Constitution as to place the currency on a solid and stable basis, it would remove my objection, and I should vote for it with pleasure. Unless the Senator did so, he must vote as he had indicated he was compelled to do.

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Mr. Buchanan would not enter on a discussion of the merits of the measure then; but, as the Senator from South Carolina had spoken of *courtesy*, he would say a single word. He would acknowledge most cheerfully that the Senate had always treated him with uniform courtesy and kindness; so much so, as sometimes made him flatter himself into the opinion that he was a general favorite. If ever he had treated any Senator in any other mode, he was not aware of the fact. The subject of which the resolution treated had attracted the attention of the whole country, and all classes of the community were more or less deeply interested in it. It was a matter of inquiry only, and had not assumed shape or form. The same rule would apply as well to courtesy as to morals, viz: of doing as we would be done by. When the Senator from South Carolina introduced his bill to cede the public lands to the States in which they lie, although he [Mr. B.] was as much opposed as any man could be to the provisions of that bill, yet he had never thought of opposing its introduction. Now all he desired was to present his views,

after consulting an able committee on the subject. His opinions on this matter had not been taken up hastily; he had been seriously deliberating on it for years. If the Senate thought proper to indulge him, he should be gratified; but if they rejected it, why then he should take an opportunity of making a speech, instead of a report.

Mr. Calhoun said he was much surprised that the charge of discourtesy should have been brought against him on this occasion. If there was any person who had a right to complain of a want of courtesy, it was himself. He had proposed to the Senator from Pennsylvania to enlarge the terms of his resolution, so as to avoid the insuperable objection he entertained against it, and the Senator had not thought proper to accede to his request. He found no fault with him for this. He, it was probable, had good reasons for his course; and so have I. I know where we tread, and I think I know where this resolution will carry us, and the momentous results that will follow. I would much sooner see a United States Bank again incorporated, than to engraft the present banking system on the Constitution. Holding these opinions, why am I particularly selected as betraying a want of courtesy? The Senator from North Carolina, the Senator from Massachusetts, and the Senator from South Carolina, all expressed their intention of voting against this resolution, and yet there is nothing said of their want of courtesy. But the Senator has alluded to his vote when I introduced the bill on the subject of the public lands. Now, I hold there would have been no discourtesy in opposing the bill at its introduction, and that would have been a very proper time to oppose it, with the opinion which the Senator entertains of that measure. But I make no opposition to the resolution; I simply state why I cannot vote for it myself. I have no objection to its passing with the votes of others, who think differently. I desire not to change the opinions of others in relation to it; and would have no sort of objection to standing alone in my vote against it; and there is no reason why there should be any feeling on the part of the Senator in regard to my course.

Mr. Clay of Alabama expressed a wish that the Senator from Pennsylvania would adhere to the original phraseology, and not allow the subject to embrace a wider range than he originally contemplated. He was surprised that any idea should have gone forth that there was any thing like grafting a

system on the Constitution by the adoption of a mere negative proposition.

Mr. Strange rose to relieve himself from imputation of discourtesy towards the Senator from Pennsylvania. None whatever was intended. The Senator has always been a favorite with me, and I hope he will not consider that he has ceased to be so.

Mr. Davis would say one word. It was well known that he had, on former occasions, expressed his opinions as to the necessity of a larger specie circulation; but, of late, some strange changes had grown up in relation to this matter from quarters where they were not anticipated. Some were now for a mixed currency, that formerly expressed very different opinions. He had heard much in that body about the banks being mischievous in their character, and dangerous in their tendency.

Holding the same opinions on this subject as those just expressed by the honorable Senator from Tennessee, [Mr. Grundy,] he was glad to hear such remarks from that quarter of the Senate.

Mr. Grundy said he would thank the Senator to point out the time or the place in which he had ever expressed sentiments at variance with those he just made.

Mr. Davis. Far be it from me to say that the Senator ever had done so. I was only expressing my gratification to learn that there was not to be this general sweeping prostration which seemed to threaten us. The Senator from Pennsylvania [Mr. Buchanan] had his hearty concurrence in the matter before them. Let the inquiry go to the public from his learned pen, and give the public all the benefit of his able reasoning on the subject —he would cheerfully give his vote for it; but in giving that vote, he did not mean to be understood as at all committing himself on that or any other proposed amendment.

Mr. Preston rose to relieve himself of any charge of discourtesy towards the Senator from Pennsylvania, in opposing the resolution, and he would show himself in earnest by voting for the proposed inquiry.

The question was then taken, and the resolution adopted.

Mr. Buchanan then moved that the select committee consist of seven, and that it be appointed by the Chair, which having been agreed to, the following Senators were named: Messrs. Buchanan, Grundy, Crittenden, Wright, Davis, Clay, of Alabama, and Henderson.

REMARKS, MARCH 3, 1840,

IN REPLY TO MR. DAVIS, ON THE INDEPENDENT TREASURY BILL.[1]

MR. PRESIDENT: I rise to perform a painful but imperious duty, which I owe to myself. The speech which I lately delivered in favor of the Independent Treasury bill has been made the subject of criticism and censure in another part of this Capitol; under what rule of order I confess I cannot comprehend. In some portions of the country, at public meetings and in the public press, I have been denounced as the enemy of the laboring man, and have been charged with a desire to reduce his wages, and depress his condition to that of the degraded serfs of European despotisms. Sentiments have been attributed to me which I never uttered, and which my soul abhors. I repeat, what I declared in that speech, that if I could believe for a moment that the Independent Treasury bill would prove injurious to the laboring man, it should meet my unqualified opposition.

I had intended to embrace the first opportunity which presented of doing myself justice upon this subject. Business called me away, and I was absent whilst the Senator from Kentucky [Mr. Crittenden] addressed the Senate on the resolutions now before it. I understood that he had referred to the wages of labor, in no offensive terms to me, however; but in such a manner as to have presented the opportunity which I so much desired. When the Senator from New York, [Mr. Tallmadge,] afterwards alluded to the same subject, the debate had assumed a personal character, and I was not the man to interfere against him in such a contest. He had said nothing which could excite any disposition on my part to pursue such a course.

Had I obtained the floor at any time during the last week, my explanation would have been short and simple. The means, and the only means, by which it was alleged that I had sought to reduce the wages of labor to the standard of the hard money despotisms of Europe, was, by the introduction of an exclusive metallic currency into this country. Now, to such a radical change in our currency I have ever been opposed. I have avowed my opposition repeatedly upon this floor and elsewhere; and never more distinctly than in my late speech in favor of the Independent Treasury. My motto has always been to reform, not to destroy the banks; and I have endeavored to prove—with

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. Appendix, 244–246.

what success, I must leave the public to judge—that such a radical reform in these institutions as would prevent violent expansions and contractions of the currency, and thus enable them always to redeem their notes in specie, would prove eminently beneficial to all classes of society, but more especially to the laboring man.

On Saturday evening last a message was sent me by a friend, requesting me to examine the published speech of the Senator from Massachusetts, [Mr. Davis] and suggesting that it contained an erroneous statement of the arguments which I had used in favor of the Independent Treasury bill. I examined his speech in the National Intelligencer, having never read it before, and I confess it struck me with the utmost astonishment. I found that, throughout, he had attributed to me arguments in favor of the bill which I never used; nay more, that the objections to the bill, which I had endeavored to combat, had been imputed to me as the very arguments which I urged in its favor.

I shall proceed to make some remarks upon his speech. In performing this duty, it is my sole purpose to justify myself, without feeling the slightest disposition to do him injury.

In my remarks I urged the passage of the Independent Treasury Bill, because it would separate the banks from the Government, and would render the money of the people always secure, and always ready to promote their prosperity in peace and to defend them in war. Great as are the advantages, direct and incidental, which the country will derive from the passage of this bill, I knew that it could accomplish little or nothing towards reforming our paper currency, or restraining the banks within safe limits. This opinion I have declared upon all occasions, and never more emphatically than in my late speech. I stated that the additional demand for gold and silver which it might create would not exceed five millions of dollars per annum, according to the President's estimate; and that although this might compel the banks to keep more specie in their vaults in proportion to their circulation and deposits, yet that it would prove but a very inadequate restraint upon excessive banking. Nay, more; I plumed myself upon the fact that I had been the first to suggest the amendment requiring the holders of Treasury drafts to present them for payment to the depositaries with as little delay as possible, for the express purpose of saving the banks from the injury which might be inflicted upon them by locking up a large surplus of revenue in gold and silver in the

vaults of the depositaries. And I endeavored to prove, not only by my own arguments, but by the authority of one of the most distinguished financiers that this country has ever produced, that the banks never could be injured by the adoption of the Independent Treasury bill, unless in the event of a large surplus revenue, which would not probably soon occur. I also stated that it would thus become their interest, as it already was that of the rest of the community, to prevent the accumulation of such a surplus. In referring to the blessings which would flow to the laboring man from the existence of a sound mixed currency, whose basis should be gold and silver, I expressly declared that the bill would exercise no great influence in producing this desirable result.

Again, in speaking of the effect which this measure would produce in reducing the amount of our imports—a consummation devoutly desired by all—what was my argument? That the bill would, *in some degree*, especially after June, 1842, diminish our imports; because we should then have a system of cash duties, which would operate as an encouragement to our domestic manufactures.

One of the great objects of my speech was to answer the objections which had been urged against the Independent Treasury bill, by proving that it would not injuriously influence the business of the country in the manner which had been predicted by its enemies; and especially that it would produce little or no effect upon the sound and solvent banks of the country. I thought I had succeeded. It certainly never entered into my conception that any person on the face of the earth could so far have mistaken my meaning as to attribute to me arguments in favor of the bill, as directly opposite to those which I urged as darkness is to light.

You may judge, then, Mr. President, of my astonishment, when, in the very second paragraph of the speech of the Senator from Massachusetts, I read the following sentence:

> The Senator from Mississippi [Mr. Walker] with his usual acknowledged ability, and the distinguished Senator from Pennsylvania [Mr. Buchanan] following in his track, have advanced the propositions that the embarrassments and distress with which the country has been grievously afflicted for several years past, and which now paralyze all its energies, are imputable to the pernicious influence of bank paper, *that this bill* [the Independent Treasury bill] *contains the necessary corrective, as it will check importations of foreign goods, suppress what they call the credit system, and by restoring a*

specie currency, reduce the wages of labor and the value of property. This is the character given to the measure by its friends; and alarming as the doctrines are, I am gratified that they are frankly avowed.

Now, sir, I openly declare, in the face of the Senate and the world, not only that no such doctrines were ever avowed by me, but that these remarks of the Senator are palpable. I will not say intentional, misrepresentations both of the letter and spirit of my speech.

What! sir, to attribute to me the remark, that this bill, by applying the necessary corrective to the pernicious influence of bank paper, "and by thus *restoring a specie currency,*" will produce the disastrous consequences which he has enumerated; when a considerable portion of my argument was devoted to prove that the bill would produce no injurious effect whatever upon the sound and solvent banks of the country! Nay, more, that it would exert but a very trifling influence, indeed, if any, even in restraining within safe limits their loans and issues. Now, sir, it may be very ingenious; but it is certainly not very fair to put into the mouth of a friend of the bill, as arguments in its favor, the strongest objections which have been urged against it by its enemies. These would be so many admissions of its fatal consequences, and they would be the stronger when converted into arguments in its favor by one of its friends. Against the whole current of my remarks—against my express and reiterated declarations, both upon this and former occasions, that I was no friend to an exclusive hard money currency, but was in favor of well regulated State banks, how could the Senator be so far mistaken as to sit down and deliberately write that I had urged in favor of this bill, that it would restore a specie currency, and thereby reduce the wages of labor and the value of property? I leave it for him to answer the question according to his own sense of justice towards a brother Senator who had never done him harm.

But the Senator does not stop here. Throughout his whole speech he imputes to me the use of such arguments in favor of the bill as I have stated, and dwells upon them at length—arguments which, if I had ever used, would prove conclusively that I was an enemy of the bill which I professed to advocate, and that scarcely even in disguise. This is the light in which he presents me before the world. Towards the conclusion of his speech, he caps the climax. He says:

To follow out the case I have supposed: The income of every man, except the exporter, is to be reduced one-half in the value of wages and property, while all foreign merchandise will cost the same, which will obviously, in effect, double the price, as it will take twice the amount of labor, or twice the amount of the products of labor, to purchase it.

I do not ascribe this power to the bill; but it is enough for me that its friends do. What response will the farmers, mechanics, manufacturers, and laborers make to such a flagitious proposition?

And all this the Senator says in a professed reply to me. He thus charges me with having ascribed to the Independent Treasury bill the power of reducing the income of every man in the country "one half, in the value of wages and property." Had I contended in favor of any such power, well might the Senator have said it was "a flagitious proposition." He would almost have been justified in the use of a term so harsh and unparliamentary.

Self-respect, as well as the respect which I owe to the Senate, restrains me from giving such a contradiction to this allegation as it deserves. It would surely not be deemed improper, however, in me, if I were to turn to the Senator, and apply the epithet which he himself has applied to the proposition he imputes to me, and were to declare that such an imputation was a "flagitious" misrepresentation of my remarks.

So far from imagining that the Independent Treasury bill would restore to the country a metallic currency, I believed that it would exercise but a slight influence in restraining the excesses of the banking system. Other and much more efficient remedies must be adopted by the several States to restrain these excesses, and thus to prevent future suspensions. In my remarks, I stated distinctly what legislation would, I thought, be required to accomplish this purpose. In the first place, I observed that the banks ought to be compelled to keep in their vaults a certain fair proportion of specie compared with their circulation and deposits; or, in other words, a certain proportion of immediate specie means, to meet their immediate responsibilities. 2d. That the foundation of a specie basis for our paper currency should be laid by prohibiting the circulation of bank notes, at the first, under the denomination of ten, and afterwards, under that of twenty dollars. 3d. That the amount of bank dividends should be limited. 4th. And above all, that upon the occurrence of another suspension, the doors of the bank should be closed at once, and their affairs placed in the hands of commissioners. A certainty that such must be the inevitable effect of another sus-

pension, would do more to prevent it than any other cause. To reform and not to destroy, was my avowed motto. I know that the existence of banks and the circulation of bank paper are so identified with the habits of our people, that they cannot be abolished, even if this were desirable.

Such a reform in the banking system as I have indicated, would benefit every class of society; but above all others, the man who makes his living by the sweat of his brow. The object at which I aimed by these reforms was not a pure metallic currency, but a currency of a mixed character; the paper portion of it always convertible into gold and silver, and subject to as little fluctuation in amount as the regular business of the country would admit. Of all reforms, this is what the mechanic and the laboring man ought most to desire. It would produce steady prices and steady employment, and, under its influence, the country would march steadily on in its career of prosperity without suffering from the ruinous expansions and contractions and explosions which we have endured during the last twenty years. What is most essential to the prosperity of the mechanic and laboring man? Constant employment, steady and fair wages, with uniform prices for the necessaries and comforts of life which he must purchase, and payment for his labor in a sound currency.

Let us in these particulars compare the present condition of the laboring man under the banking system which now exists, with what it would be under such reforms as I have indicated. And first, in regard to constant employment. What is the effect of the present system of bank expansions and contractions, and revulsions, in this particular? Is it not absolutely certain, has not experience demonstrated, that under such a system constant employment is rendered impossible? It is true that, during the short period whilst the bubble is expanding and the banks are increasing their loans, and their issues, labor of every kind finds employment. Then buildings of all sorts are erected, manufactories are established, and the carpenter and the mason, and other mechanics, are in demand. Public works are prosecuted and afford employment to an immense number of laborers. The tradesman of every description then finds customers, because the amount of paper in circulation produces a delusive appearance of prosperity and promotes a spirit of extravagance. But, sir, under this system, the storm is sure to succeed the sunshine; the explosion is certain to follow the expansion; and when it

comes—and we are now suffering under it—what is then the condition of the mechanic and the laboring man? Buildings of every kind cease, manufactories are closed; public works are suspended, and the laboring classes are thrown out of employment altogether. It is enough to make one's heart bleed to reflect upon their sufferings, particularly in our large cities, during the past winter. In many instances the question with them has not been what amount of wages they could earn, but whether they could procure any employment which would save them and their families from starvation. If our State Legislature, which alone possess the power, would but regulate our bloated credit system wisely, by restraining the banks within safe limits, our country would then be permitted to proceed with regular strides, and the laboring man would suffer none of these evils, because he would receive constant employment.

In the second place, what is the effect of the present system upon the wages of labor, and upon the prices of the necessaries and comforts of life? It cannot be denied that that country is the most prosperous where labor commands the greatest reward; but this not for one year merely—not for that short period of time when our bloated credit system is most expanded—but for a succession of years; for all time. Permanence in the rate of wages is indispensable to the prosperity of the laboring man. He ought to be able to look forward with confidence to the future, to calculate upon being able to rear and educate his family by the sweat of his brow, and to make them respectable and useful citizens. In this respect, what is the condition of the laboring man under our present system? Whilst he suffers more under it than any other member of society, he derives from it the fewest advantages. It is a principle of political economy confirmed by experience, that whilst the paper currency is expanding, the price of everything else increases more rapidly than the wages of labor. They are the last to rise with the expansion, and the first to fall with the contraction of the currency. The price of a day's or of a month's labor of any kind, the price of a hat, of a pair of boots, of a pound of leather, of all articles of furniture, in short, of manual and mechanical labor generally, is fixed and known to the whole community. The purchaser complains when these fixed prices are enhanced, and the mechanic or laborer, in order to retain his customers, cannot and does not raise his price until he is compelled to do it by absolute necessity. His meat, his flour, his potatoes, clothing for himself

and his family, mount up to an extravagant price long before his compensation is increased. It was formerly supposed that the productions of meat and flour were so vast in our extended and highly favored land, that a monopoly of them would be impossible. The experience of the last two or three years has proved the contrary. The banks, instead of giving credit in small sums to honest men, who would have used the money wisely, in promoting their own welfare, and, as a necessary consequence, that of the community, have loaned it to monopolists, to enable them to raise the price of the necessaries of life to the consumer. Have we not all learned that a million of dollars have been advanced by them to an individual for the purpose of enabling him to monopolize the sale of all the beef consumed in our Eastern cities? Do we not all know that this effort proved successful during the last year in raising the price of this necessary of life to twelve and sixteen cents, and even higher, per pound? Now, sir, although the wages of the laboring man were then nominally high, what was his condition? He could not afford to go into the market and purchase beef for his family. If his wages increased with the increasing expansion of our credit system, aggravated in its effects by the immense sales of State bonds in Europe, still the prices of all the necessaries of life rose in a greater proportion, and he was not benefited. I might mention, also, the vast monopoly of pork produced by a combination of individuals, extending from Boston to Cincinnati, which, by means of bank facilities, succeeded in raising the price of that necessary of life to an enormous pitch. What then did the laborer gain, even at the time of the greatest expansion? Nothing—literally nothing. The laborers were a suffering class even in the midst of all this delusive prosperity. Instead of being able to lay by anything for the present day of adversity, which was a necessary consequence of the system, the laborer was even then scarcely able to maintain himself and his family. His condition has been terrible during the past winter. In view of these facts, I said:

> All other circumstances being equal, I agree with the Senator from Kentucky that that country is most prosperous where labor commands the highest wages. I do not, however, mean by the terms "highest wages" the greatest nominal amount. During the Revolutionary war, one day's work commanded a hundred dollars of continental paper; but this would scarcely have purchased a breakfast. The more proper expression would be, to say that that country is most prosperous where labor commands the greatest reward; where one day's labor will procure, not the greatest nominal amount of a

depreciated currency, but most of the necessaries and comforts of life. If, therefore, you should, in some degree, reduce the nominal price paid for labor, by reducing the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your paper circulation, would this injure the laborer? Certainly not; because the prices of all the necessaries and comforts of life are reduced in the same proportion, and he will be able to purchase more of them for one dollar in a sound state of the currency, than he could have done in the days of extravagant expansion for a dollar and a quarter. So far from injuring, it will greatly benefit the laboring man. It will insure to him constant employment, and regular prices, paid in a sound currency, which of all things he ought most to desire; and it will save him from being involved in ruin by a recurrence of those periodical expansions and contractions of the currency, which have hitherto convulsed the country.

Now, sir, is not my meaning clearly expressed in this paragraph? I contended that it would not injure but greatly benefit the laboring man, to prevent the violent and ruinous expansions and contractions to which our currency was incident, and by judicious bank reform to place it on a settled basis. If this were done, what would be the consequence? That, if the laboring man could not receive as great a nominal amount for his labor as he did "in the days of extravagant expansion," which must always, under our present system, be of short duration, he would be indemnified, and far more than indemnified, by the constant employment, the regular wages, and the uniform and more moderate prices of the necessaries and comforts of life, which a more stable currency would produce. Can this proposition be controverted? I think not. It is too plain for argument. Mark me, sir; I desire to produce this happy result, not by establishing a pure metallic currency, but "by reducing the amount of your bank issues within reasonable and safe limits and establishing a metallic basis for your paper circulation." The idea plainly expressed is, that it is better, much better, for the laboring man, as well as for every other class of society, except the speculator, that the business of the country should be placed upon that fixed and permanent foundation which would be laid by establishing such a bank reform as would render it certain that bank notes should be always convertible into gold and silver.

And yet this plain and simple exposition of my views has been seized upon by those who desired to make political capital out of their perversion; and it has been represented far and wide, that it was my desire to reduce wages down to the prices received by the miserable serfs and laborers of European despotisms. I shall most cheerfully leave the public to decide between

me and my traducers. The Senator from Massachusetts, after having attributed to me the intention of reducing the wages of labor to the hard money standard, through the agency of the Independent Treasury bill, has added, as an appendix to his speech, a statement made by the Senator from Maryland, [Mr. Merrick,] of the prices of labor in these hard money despotisms; and it is thus left to be inferred that I am in favor of reducing the honest and independent laborer of this glorious and free country to the same degraded condition. The Senator ought to know that there is too much intelligence among the laboring classes in this highly favored land, to be led astray by such representations.

3. Payment of wages in a sound currency. Under the present unrestricted banking system this is entirely out of the question. Nothing can ever produce this effect, except the absolute prohibition of the issue and circulation of small notes. As long as bank notes exist of denominations so low as to render it possible to make them the medium of payment for a day's or a week's labor, so long will the laboring man be compelled to accept the very worst of these notes for his wages. Unless it may be at periods of the highest expansion, when labor is in the very greatest demand, notes of doubtful credit will always be forced upon him. This was emphatically the case after the explosion of the banks in 1837. He could then procure nothing for his work but the miserable shinplaster currency with which the country was inundated. This he would not lay by for a rainy day, because he did not know at what moment it might become altogether worthless on his hands. The effect of it was to destroy all habits of economy. Besides, as a class, laborers suffer more from counterfeit and broken bank notes than any other class of society. In order to afford the laborer the necessary protection against these evils, he ought always to be paid, and would, from necessity, always be paid, in gold and silver, if the issue and circulation of small notes were entirely prohibited.

Thus, it will be perceived, that without the imposition of wholesome restrictions upon the banks, the laboring man can never expect to receive either constant employment, or steady and fair wages, paid in a sound currency, or to pay uniform prices for the necessaries and comforts of life, which he is obliged to purchase. Under our present system every thing is in a state of constant fluctuation and change. Prices are high to-day, low to-morrow. Labor is in demand to-day, there is

no employment to-morrow. There is no stability, no uniformity, under our present system. Of all men, laborers are the most interested in such a wise regulation of the banking system, by the States, as would prevent the violent expansions and contractions in the currency, and the consequent suspensions of specie payments under which we have been suffering.

Why, sir, under our present system, we endure the evils both of an exclusive hard money currency and a bloated paper system, without experiencing the benefits of either. The one is the inevitable consequence of the other. At the present moment we have reached a point of depression in the currency which the Senator from South Carolina [Mr. Calhoun] considers as low, or lower, than the hard money standard. Here we are, without credit, because no man, for the prosecution of his necessary business, can procure a loan from the banks. They are now in that state of exhaustion which is the inevitable consequence of their former highly excited action. The case which Senators supposed might exist, should we suddenly adopt a hard money currency, exists already. It is now fact, and not fancy. The man who purchased a property but one year ago, in the days of the highest expansion, for two thousand dollars, and paid half the purchase money upon it, could, at this moment of depression, scarcely sell it for the remaining one thousand dollars. This is one of the greatest evils of our present ever changing system; but such things must recur and recur again forever, unless some efficient remedy shall be applied.

But the Senator from Massachusetts has appealed to the ballot box in the most solemn manner, as the means of freeing the country from the calamities which he says I have admitted would flow from the passage of the Independent Treasury bill. I unite with him most freely in this appeal. His fear of the result in his own State is probably the best excuse which he could make for the manner in which he has treated my speech. The morning is not merely dawning upon old Massachusetts; but a beautiful and brilliant Aurora is now shedding her light upon it, and giving promise of a bright and glorious day. We have at least an equal chance with the friends of the Senator, of carrying Massachusetts.

Mr. Webster. As good a chance as we have of carrying Pennsylvania?

Mr. B. said: Before I take my seat I shall answer this question; but at present I am speaking of the Senator's State. I will

not venture absolutely to predict success to the cause of the Administration in Massachusetts at the next election, although my hopes are high. Year after year the cause of correct principles has been gradually advancing in that ancient and renowned Commonwealth; and such a revolution in public opinion never goes backward.

The Senator appeals to the polls, and expects that the laboring men of the country will come to the rescue. In this I venture to predict he will be entirely mistaken. He will find it to be a Herculean task to persuade the laboring man that the party with which he is identified is friendly to him and to his interests. What have we heretofore witnessed in the Senate? When the pre-emption bill was before this body, the Senator from Maryland [Mr. Merrick] attempted to deprive the poor man who had fled from the oppression of Europe to seek a home in the far West from enjoying its benefits unless he were a naturalized citizen. His proposed amendment was sustained by distinguished Whig members in debate; but was voted down by the friends of the Administration. Again, sir, what party is it which, with some honorable and distinguished exceptions, has always opposed these pre-emption laws? Is not the poor man who goes into the wilderness, settles upon the public lands, erects himself a cabin, and expects to maintain and rear his family by the labor of his hands, entitled to our protection? To permit him to purchase his quarter section of land on which he has settled, at the minimum price, in preference to all others, is but sheer justice to him, and experience has proved that it diminishes the receipts of the Government but two or three cents per acre. Which is the party that has ever opposed this equitable and just principle; and, by the course which it has pursued, would afford the speculator an opportunity of enriching himself, by purchasing the house and the home of this poor settler over his head, and thus depriving him of the fruits of his honest labor? No, sir, no: the laboring men of the country know too well which party is their true friend, to be persuaded to enlist under the Whig banner by the Senator from Massachusetts.

The right of suffrage is the most sacred political right which the citizens of a free Government can enjoy. Like the right of conscience, it ought ever to be regarded as a question between the individual man and his Maker, with which no human power ought to interfere, unless by convincing the reason. This is the very foundation upon which our Republican institutions rest.

All men are regarded as equal in the sight of the law; and they ought all, therefore, to be equally free when they approach the ballot box. I ask, has this principle been respected in regard to the laboring man in our extensive manufactories? Have they never been told that unless they voted according to the dictation of their employers, they should be immediately discharged? Have they never been accompanied to the polls by their employer or his agent, to see that the tyrannical mandate should be carried into execution? The man who would act in such a manner, and thus abuse the little brief authority which his station has given him over his fellow men, is at heart a despot and a tyrant. These things I have never witnessed myself, but have often heard.

I now come to answer the question propounded to me by the Senator from Massachusetts [Mr. Webster] in regard to the political prospects in Pennsylvania; and permit me here to say, that although I do not complain, I should not have been the first to introduce such topics upon this floor. Unlike some of my friends in the Opposition, I have made no predictions here which the result has not verified. I am, therefore, entitled to some little character as a prophet, which, small as it may be, I should be sorry to lose. The smoke which was raised by the late Whig National Convention has had time to vanish away; and we can now see objects in their true colors and just proportions. I have endeavored to view the party struggle in my own State in the light of truth, so as not to deceive myself or others; and I have had the best opportunities of acquiring correct information. I now declare that I firmly believe the Keystone State will remain true to her ancient political faith; and from present appearances, no future event can be more certain than that she will sustain the present Chief Magistrate and his principles, by a triumphant majority.

There is one circumstance which, in my opinion, renders the result absolutely certain. It was our misfortune to have been under Whig rule for a period of three years, during the administration of Governor Ritner. In what manner did that administration treat the laboring men employed upon the public works? No laboring man was permitted to remain in the employment of the State, unless he would pledge himself to support the re-election of Governor Ritner. He was deprived of the means of earning his bread by the sweat of his brow, unless he would abandon his right to feel and to think and to act, as a free and independent citizen of the Commonwealth. In many instances,

the superintendents on our railroads and canals marched up to the polls at the head of numerous bands of the laborers, to enforce a compliance with the pledges which had thus been extorted from them, and to see that they voted for Governor Ritner. The election came, and Governor Ritner was defeated at the polls by a handsome majority. Immediately afterwards, it was announced from high official authority that this election should be treated as if it had never taken place. The attempt to carry this mandate into execution produced what has been most unjustly called the Harrisburg mob. A revolution was threatened, but the leaders fled from the fearful responsibility which they had assumed, at the first moment of fancied danger; and what had begun in tragedy thus ended in broad farce.

Now, sir, I shall not say one word to the prejudice of General Harrison. It is his misfortune in Pennsylvania to be identified with the leaders of the party which I have just described. They are his chief and most prominent supporters, and were the most active and influential in procuring his nomination; and they are sufficiently heavy to drag down any candidate for the Presidency in Pennsylvania to whom they are politically bound. This very fact will lose General Harrison thousands of independent Whig votes in Pennsylvania. I trust I have now sufficiently answered the inquiry of the Senator from Massachusetts.

REMARKS, MARCH 6, 1840,

IN REPLY TO FURTHER REMARKS OF MR. DAVIS ON THE INDEPENDENT TREASURY BILL.[1]

Mr. Davis having concluded his reply to Mr. Buchanan's charge of misrepresentation,

Mr. Buchanan addressed the Senate as follows:

Mr. President: When I addressed the Senate on Tuesday last, I endeavored to state my cause of complaint in the mildest manner which the nature of the case admitted, and to treat the Senator from Massachusetts, [Mr. Davis,] so far as I could, with courtesy and respect. The remarks of that gentleman to-day have absolved me from any such obligation, and I shall proceed to refer to his misrepresentations of my speech in favor of the

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. Appendix, 335–338.

Independent Treasury bill as they deserve. At the same time, I shall endeavor to perform this duty in a manner consistent with my own self-respect, and with the elevated character of the Senate.

The Senator, in his labored remarks, has endeavored to draw me into a false issue. In this attempt he shall not succeed. I am not thus to be diverted from my purpose. Have I, or have I not, advanced the arguments which he has published to the world that I urged in favor of the bill? This is the question at issue between us.

In regard to his speech against the Independent Treasury bill, I have never said (for I never shall say what I do not know to be true) that he did not make that speech in the Senate. The hour was late—the patience of the body was exhausted, and he left the seat near me which he usually occupies, and spoke from another part of the hall. He is, therefore, mistaken in stating that I sat near where he stood, whilst he was delivering his speech. Not having the least intention of replying to him, I was talking freely, when in my seat, to those around me, and was out of it a considerable portion of the time whilst he was speaking. I not only did not hear him utter any one of the misrepresentations of which I now complain; but I most solemnly declare that I never even suspected him of having given them currency in his speech, until my attention was called to it by a friend on Saturday evening last. This may have been culpable negligence on my part. Whether or not, it has taught me the necessity of paying strict attention to that Senator's statements, should he ever reply to me hereafter.

But, sir, whether the speech delivered and the speech published be identical or not, this cannot vary the question. It remains precisely the same. Has the Senator attributed to me arguments in support of the bill which I never used? This is the point in controversy.

If the most artful and unfair man in the world had determined to destroy any public measure, in what manner could he most effectually damn it in public estimation? It would be to enumerate all the terrible consequences which would flow from it, according to the predictions of its enemies, and put them into the mouth of its friends as arguments in its favor. There could not by possibility be any stronger admission of its evil tendency. Such is the manner in which I have been treated by the Senator, and such is the character of my complaint against him.

Sir, the enemies of the Independent Treasury bill have denounced it, from the beginning, as a measure which would destroy the banks of the country, introduce an exclusive metallic currency, prostrate credit, check importations, and reduce the value of property and the wages of labor. Now, I could not offer the least objection against any Senator in the Opposition for urging any arguments he pleased, to prove that the bill would be productive of all these fatal consequences. This would be all perfectly fair. What I do object to, is, that the Senator, instead of urging these arguments against the bill himself, has reiterated, over and over again, that I supported it, because these disastrous consequences would result from its passage. The Senator has placed me precisely in this position. If I can prevent it, he shall not escape from this plain question of fact by retreating into a wide field of irrelevant argument.

If this matter had been personal to myself alone, I might have borne it, and probably would have borne it, in silence. But, on the eve of a Presidential election, my sins are to be visited upon the present Administration, whose principles I support. The President is to be struck at through my side; and it is thus attempted to make the public believe that he also sustains the Independent Treasury bill because it will be productive of all the ruinous consequences which have been portrayed. This is the key to unlock the whole published speech of the Senator from Massachusetts.

In its first paragraph, he professes his intention of making "a brief reply to the new doctrines which have been now, for the first time, published here, and come to us through channels that leave no doubt of their being the doctrines of the Administration."

Now, Mr. President, what are these new doctrines which the Senator says involve "great and momentous considerations, affecting the most cherished interests of the people?" After heralding them in this imposing manner, he proceeds to announce them. Two friends of the Administration, says he, Mr. Walker and myself, have declared that this bill—mark me—this very Independent Treasury bill, "contains the necessary corrective for the evils imputable to the pernicious influence of bank paper, as it will check importations of foreign goods, suppress what they call the credit system, and, by restoring a specie currency, reduce the wages of the laborer and the value of property."

"This is the character given to the measure by its friends;

and, *alarming as the doctrines are,* I am gratified that they are frankly avowed."

Now, sir, should I not deserve a strait jacket; ought I not to be placed in confinement by my friends, if these imputations were well founded? What, sir, to rise before this august body and to say, Mr. President, I support the Independent Treasury bill—first, because it will destroy the banks of the country, abolish all bank paper, and restore a specie currency; second, because it will check importations; third, because it will suppress the credit system; and fourth, because it will reduce the wages of the laborer and the value of property!!

And yet this is the ridiculous attitude in which I am placed by the Senator's speech. If these imputations were well founded, I must be one of the most ferocious men in existence. Destruction must be my delight. No wild agrarian in the country has ever thought of waging such an indiscriminate war against all property, my own among the rest, as that which has been attributed to me by the Senator.

Now, sir, need I say in the presence of this body, before which my speech was delivered, that I never used any such arguments? On the contrary, in my reply to the Senator from Kentucky, [Mr. Clay,] I advanced no "new doctrines," but pursued the very same course of argument which I had adopted when this measure was first before the Senate in September, 1837. I was then convinced, and so declared in the most solemn manner, that this bill would not injuriously affect the sound and solvent banks of the country; and my reflections since have served to confirm this conviction. One of the points which I most strongly urged at that time, in answer to the objections of the enemies of the bill, was, that it would not operate with that severity upon the banks which they professed to apprehend. I alleged "that the cause was too impotent to produce any such effect," and "that its influence would scarcely be felt;" and I maintained these propositions in the course of my remarks. In my late speech, which has been the subject of so much unfounded remark, I congratulated the country that "the prominent arguments formerly urged against the Independent Treasury bill had nearly all vanished away." Among others of this description, I expressed my astonishment, "that we had no homily from the Senator [Mr. Clay] against the specie clause of the bill. Even this seems to have lost much of its terrors. It is no longer the terrific monster which was to devour all the banks, and estab-

lish a pure metallic currency for all the transactions of all the people of the United States."

And yet, in the very face of all this, the Senator, in his speech, has put into my mouth, as arguments in favor of the bill, and of course as consequences resulting from it which I desired, that it would destroy the banks, introduce a pure metallic currency, suppress credit, and reduce the wages of labor and the price of property. Can he point to any portion of my speech in which I contended that this bill would produce these monstrous effects? If he himself had urged that it would, I say again, I could have made no objection. My cause of complaint is, that he has sent abroad to the world his speech, and has by it placed me in the ridiculous attitude of not only admitting that all these objections to the bill are true, but of strenuously urging its passage for this very reason. This, I repeat, is the point of the controversy between us. In order to make good his charge, he must prove that I used any such arguments in favor of the bill—a task which no mortal man can perform. I never thought or dreamed of any such arguments.

But the Senator proceeds to weave his web with much art. He says:

> I will now notice the effects upon the public policy *imputed to this bill.* We have always been told that it was a simple proposition to divorce the Government from the banks, so as to enable it to hold its own money, and, therefore, harmless in its character, as it would affect nothing else.

This was precisely the character which I gave of it throughout my late speech.

> But, sir, (says the gentleman from Massachusetts) the Senator from Pennsylvania, while he declares that he is not for an exclusive hard money currency, or, in other words, is not hostile to well regulated State banks, if they can be well regulated, as he expresses himself, *argues that this bill will diminish importations, suppress credit, and stop speculation, by modifying the currency, so far as to work out these extraordinary ends.*

And here permit me to observe, that the extreme candor of the Senator is worthy of all commendation. He seems to have been shocked at my destructive propensities. He was unwilling that the public should believe that even this bill was as bad as I had represented it to be. In order to apologize for my indiscretion, and to prevent the country from being too much alarmed at my arguments, he most kindly interposes.

> I am by no means satisfied (says he) that it (the bill) is capable of producing all these consequences, but *as such a power is imputed to it by its*

warmest friends, and those who are in the councils and confidence of the Administration, who bring it forward with this view and expectation, I shall, in this reply, confine myself to the positions assumed. That it will do the country no good, I have never doubted; but I have never allowed myself to believe that it can exert that influence upon its affairs which is ascribed to it.

Those in the councils and confidence of the Administration bring the bill forward and impute these terrible consequences to it; though the Senator himself recoils from the idea that it would produce such disastrous effects! I again repeat that this is the issue between him and me. Did I ever impute any such consequences to the bill? That is the question.

The Senator next proceeds to comment separately in detail upon each of the arguments in favor of the bill which he has thus imputed to me, as though they had been leading points of my speech. After concluding this portion of his speech, he refers to the 3*d.* or 4*d.* per day which the laboring man in hard money Holland receives; and thus leaves it to be inferred, though he has not expressly asserted the proposition, that I desire to bring down the laboring man to the condition of the miserable serfs of Europe. The Senator has shown much ingenuity in this effort.

He then proceeds to his hypothetical case. Hypothetical I admit it to be in the first instance; but after stating it as such, he makes it real, by declaring that I had ascribed the power to the bill of producing the effect which he describes.

And here, sir, permit me to remark, that after the disclaimer which I understood him to have made on Tuesday last, in regard to this topic, I should have taken care in my reported speech to have suppressed every allusion to the subject which could have caused him pain. He has now disclaimed the disclaimer, and I shall act accordingly.

He says:

> To follow out the case, I have supposed the income of every man, except the exporter, is to be reduced one-half in the value of wages and property, while all foreign merchandise will cost the same, which will obviously, in effect, double the price, as it will take twice the amount of labor, or twice the amount of the products of labor, to purchase it.

Thus far the case is suppositious; but the Senator, in plain English, makes it a reality against myself in the very next sentence.

"I do not ascribe," says he, "this power to the bill; *but it is enough for me that its friends do.*" What power? What is the immediate antecedent? Is it not this power, ascribed by its

friends to the bill, of reducing one-half "the value of wages and property" in the country? But let us proceed a little further. In the next sentence he asks, "what response will the farmers, mechanics, manufacturers, and laborers, make to *such a flagitious proposition?*"

What is this flagitious proposition? Is it the Independent Treasury bill in itself? No, sir; no. The Senator throughout, with affected candor, expresses the opinion that this bill would produce no such fatal consequences as had been ascribed to it by its friends. No, sir; it is palpably an attempt on the part of the Senator to induce the public to believe that one of my arguments in favor of the bill was that it would reduce the value of wages and property one-half. He was pursuing the course which he had adopted throughout every previous part of his speech, still persisting in doing me the injury of putting arguments into my mouth which I had never uttered. Any plain man who reads his speech would place this construction upon it. After the Senator has done me all the mischief he could, in public estimation, it is now too late for him to say that he did not attribute this argument to me.

Sir, his speech is not a manly and open argument against the Independent Treasury bill. It is a subtle and ingenious contrivance throughout, for the purpose of casting odium upon the Administration and its friends, by ascribing to them arguments which they never uttered, and sentiments which they have always disavowed.

It is an attempt to impose upon the public the belief that we support the bill, not because it will separate the banks from the Government, but because it will destroy the banks, introduce a pure metallic currency, suppress credit, and reduce the value of property and the wages of labor. The Senator has become the witness against us; and he cannot, and shall not, escape from the consequences of his own testimony.

A "flagitious proposition!" The highest English authority informs us that the meaning of the word "*flagitious*" is "peculiarly infamous:" and I shall leave the Senate and the world to determine whether this term may not be more appropriately applied to the Senator's misrepresentations of my remarks than to the Independent Treasury bill.

What a wonderful spectacle is presented in this speech of the Senator! From the first to the last, from the beginning to the end of my speech, I did not attribute to this bill one of the

consequences which he has imputed to me. With my settled convictions of the effect of the bill, I should have been the greatest dunce in Christendom thus to have causelessly alarmed the fears of the country. I never intimated that it would seriously injure, much less destroy, the State banks. It never entered into my conception that it would introduce a pure metallic currency, or reduce the wages of labor, or destroy the credit system, or seriously affect the business of the country in any manner. I treated it throughout, as what the Senator informed us we had been uniformly told by its friends that it was, "a simple proposition to divorce the Government from the banks so as to enable it to keep its own money, and therefore harmless in its character, as it would effect nothing else." Throughout my speech, it was one of my chief purposes in advocating the bill, as it had been in 1837, to allay the fears of the country, and to prove that it would produce none of these fearful effects.

I am happy to think that my efforts in this respect have not proved wholly unavailing. I have good reason to believe that they have had some influence in disabusing the minds of honest men and relieving them from the apprehensions which they had formerly entertained on the subject. I pursued the very same course of argument I had done in September, 1837, when I first addressed the Senate on this bill. On that occasion, I said:

> In this crisis all which the General Government can effect is, in the first place, to withhold its deposits from the banks, and thus refrain from contributing its funds to swell the torrent of wild speculation; and, in the second place, to restrain the extravagance of their credits and issues, *in some small degree,* by collecting and disbursing our revenue exclusively in specie, or in the notes of banks which will pay the balances due from them in specie, at short intervals. To accomplish these two purposes, as well as to render the public revenue more secure, are the objects of the bill and amendment now before the Senate.

I never, for a single moment of my life, entertained the idea which the Senator has imputed to me, that the bill would destroy the banks, or even restrain their extravagance except "in some small degree." Was the imputation justified by any remarks in my late speech? That, I repeat again, is the question between the Senator and myself. In that speech, I declared that—

> Our chief objects in adopting the Independent Treasury are, to disconnect the Government from all banks, to secure the people's money from the wreck of the banking system, and to have it always ready to promote the prosperity of the country in peace, and to defend it in war. Incidentally, however, it will do some good in checking the extravagant spirit of speculation, which is the bane of the country.

In the first place, by requiring specie in all receipts and expenditures of the Government, you will create an additional demand for gold and silver to the amount of five millions of dollars per annum, according to the estimate of the President. A large portion of this sum will be drawn from the banks, and this will compel them to keep more specie in their vaults, in proportion to their circulation and deposits, and to bank less. This, so far as it may go, will strike at the root of the existing evil. I fear, however, that it will prove to be but a very inadequate restraint upon excessive banking.

In the second place, this bill will, in some degree, diminish our imports, especially after June, 1842. I most heartily concur with the Senator in desiring this result. What is the condition of the importing business at the present moment? It is almost exclusively in the hands of British agents, who sell all the manufactures they can dispose of in other portions of the world, and then bring the residuum here to glut our markets. According to our existing laws, they receive a credit from the Government for the amount of its duties. They sell the goods for cash; and this credit becomes so much capital in their hands, to enable them to make fresh importations. The Independent Treasury bill requires that all duties shall be paid in gold and silver; and after June, 1842, the compromise law will take away the credits altogether. We shall then have a system of cash duties in operation, which will contribute much to reduce the amount of our importations, and to encourage domestic manufactures.

In the third place, this bill will make the banking interest the greatest economists in the country, so far as the Government is concerned. Their nerve of self-interest will be touched in favor of economy, and this will induce them to unite with the people in reducing the revenue and expenditures of the Government to the lowest standard consistently with the public good. They will hereafter abhor a surplus revenue as much as they delighted in it formerly, when they used it for banking purposes. Any surplus which may exist in future will be locked up in gold and silver in the vaults of our depositaries; and, in proportion to its amount, will deprive the banks of so much of their specie. They will, therefore, become the partisans of reducing the revenue to the actual and necessary expenditures of the Government, so that the specie may flow out of the Sub-Treasuries with a rapidity corresponding with its influx. Nothing but a large surplus can seriously injure the banks. This was demonstrated to me by one of the most distinguished financiers which our country has ever produced, not himself, I believe, friendly to the Independent Treasury. These Treasury drafts, in the natural course of business, will find their way either into the banks at the very points where our depositaries are situated, or into the hands of individuals there having duties to pay to the Government. Take, for example, New York. A public creditor receives such a draft on the receiver-general in payment of his debt. Will he carry it to New York, receive payment, and transport the specie from that city? Such instances will be rare. He will generally deposit it to his credit in the bank with which he transacts his business, wherever that may be. This bank, if not in New York, will transmit it for collection to one of the banks there; and thus these banks will draw the specie from our depositaries as rapidly as it is drawn from them for the payment of the public dues. Thus the equilibrium will be preserved, so long as the Government is without a large surplus. In other instances, these

drafts will be sought after and procured by individuals having duties to pay, and they will be presented to the receivers-general, and accepted by them instead of gold and silver.

I have presented these extracts from my speech before the Senate, for the purpose of showing how absurd it was to have imputed to me the arguments in favor of the bill attributed to me by the Senator from Massachusetts. Instead of ascribing to this bill the power of destroying the banks, and introducing a pure metallic currency, I declare that "I fear it will prove to be a very inadequate restraint upon excessive banking;" and that it will not affect the banks at all, unless a large surplus of gold and silver should be locked up in the vaults of the Sub-Treasuries—a case not likely soon to occur.

I have also stated that it would, in some degree, diminish our imports, especially after June, 1842, when the duties on imported goods must be paid in cash, and thus encourage our domestic manufactures. Is there a patriot—nay, is there a man in the country who does not consider this "a consummation devoutly to be wished?"

As I stated before, I ridiculed the idea that this bill would destroy the banks of the country, and substitute a pure metallic currency for bank paper. Instead of destroying the banks, I proved that it did not even contain any power of wholesome regulation; but for this purpose we must appeal to the State Legislatures. I also established the position, that neither a bank of the United States, nor the Bank of England—instruments of vastly greater power than the Independent Treasury—could, even if they possessed the inclination, restrain the excessive issues and credits of the banks of their respective countries.

Now, sir, I have presented to you the materials, and the only materials, from which the Senator from Massachusetts could have derived the charge against me, which is presented in different forms throughout the whole course of his speech; that I had argued that this bill would destroy the banks, restore a specie currency, reduce the wages of labor and the value of property one-half, check importations, and suppress the credit system. I never attributed any one of these consequences to the bill. It is too impotent in its character to produce any such effects.

The Senator does not seem to perceive, that even if he could prove I was a hard money man, this would not, in the slightest degree, justify his statement of the nature of my argument. It is now too late for him to say, as he has done, that he did not

consider it of any moment to investigate the degree of influence which the bill might have; but as I had admitted it would have some influence as a corrective, he had directed his reply to the general scope of my argument. Had his published speech corresponded with these sentiments, he and I should never have had this unpleasant controversy. What I complain of is, not that he drew unjust inferences from my argument; but that he imputed to me arguments which I never used: not that he declared that I had expressed the opinion that the bill would have some influence as a corrective, which I certainly did express, and clearly defined what, in my opinion, would be the extent of its influence; but that he put into my mouth, as arguments in favor of the bill, that it would destroy the banks, introduce a pure metallic currency, prostrate credit, and reduce the value of wages and property. My cause of complaint is not any deductions which he might have drawn, fairly or unfairly, from my speech; but it rests on the fact that he has attributed to me arguments in support of the bill which I never urged or thought of urging. He might himself have contended, he might, if he could, have inferred from my speech that I was a hard money man, (though this would have been most unjust towards me,) and have drawn any deductions from this fact which he thought proper; but he had no right to make me say that the bill would establish a hard money currency.

Now, sir, the whole of the miserable attacks which have been made upon me are based alone on the presumption that I am an exclusive hard money man. On this question my opinions have never been disguised. Although wiser and better men than myself may be friendly to a pure metallic currency, yet when the subject was first broached in the Senate, I took a decided stand against it, which I have ever since maintained. In my speech of 1837, I used the following language:

> It is impossible that manufactures and commerce can flourish to any great degree in this country without the aid of extensive credit. I would not, therefore, abolish banks if I could. A return to a pure metallic currency is impossible. To make such an attempt would be ruinous as well as absurd. It would at once diminish the value of all property more than fifty per cent.; and would, in effect, double the amount of every man's debts. It would enrich creditors at the expense of their debtors, and thus make the rich richer and the poor poorer. It would paralyze industry and enterprise. I would give enterprise wholesome food to feed upon; but would not drive it into mad speculation by administering unnatural stimulants.

This is the ground which I occupied when the question was

first raised before the country. It is the ground which I have maintained ever since. I differ in this respect with my friend from Mississippi, who is now absent, and have had many arguments with him, in a kind spirit, to convince him that he was wrong in advocating a pure metallic currency. On his return, he will be no little astonished to learn that the Senator from Massachusetts has represented me, in the very speech which afforded the occasion of several of these friendly arguments, not only as a hard money man, but as having advocated the Independent Treasury bill, because it would put down the banks and introduce an exclusive hard money currency. The Senator from Mississippi, whatever may be his abstract opinions, never used any such arguments in favor of the bill. My sentiments upon the subject have been expressed fully and freely, both here and elsewhere; as often as the occasion offered. How any Senator could have misapprehended them, I am wholly at a loss to conjecture; especially after I had clearly and distinctly repeated them in my late speech. The published speech of the Senator from Massachusetts has placed me in a strange position. It was but the other day that a hard money journal of high character was sent to me from New York which denounced me in strong terms for expressing, in my late speech, sentiments friendly to the continued existence of banks. A similar course has been pursued towards me by another paper of the same character, in Virginia. On the other hand, whilst I am thus attacked by the hard money men, the Senator makes his appearance, and asserts not only that I am a hard money man, but that I had urged the passage of the Independent Treasury bill, because it would convert the United States into a hard money country.

But whilst I am opposed to an exclusive metallic currency, I am equally hostile to that system of banking which has been the cause of those expansions and contractions of the paper currency which have produced so much ruin and misery among all classes of society. This is the crying evil of our country. Would to Heaven I had the power to correct it! What was my argument in relation to this subject? I shall read my remarks to the Senate, as they are short; and because I cannot now state them with as much clearness and force as I did on that occasion.

What has been the financial history of this country for the last twenty-five years? I can speak with positive knowledge upon this subject during the period of eighteen years since I first came into public life. It has been a history of constant vibration—of extravagant expansions in the business

of the country, succeeded by ruinous contractions. At successive intervals, many of the best and most enterprising men of the country have been crushed. They have fallen victims at the shrine of the insatiate and insatiable spirit of extravagant banking and speculation. Starting at the extreme point of depression of one of these periods, we find that the country has been glutted with foreign merchandise, and it requires all our efforts to pay the debt thus contracted to foreign nations. At this crisis the banks can do nothing to relieve the people. In order to preserve their own existence, they are compelled to contract their loans and their issues. In the hour of distress, when their assistance is most needed, they can do nothing for their votaries. Every article sinks in price, men are unable to pay their debts, and wide-spread ruin pervades the land. During this first year of the cycle, we are able to import but comparatively little foreign merchandise, and this affords the country an opportunity of recruiting its exhausted energies. The next year the patient begins to recover. Domestic manufactures flourish in proportion as foreign goods become scarce. The industry and enterprise of our citizens have been exerted with energy, and our productions have liquidated the foreign debt. The third year, a fair business is done—the country presents a flourishing appearance. The banks, relieved from the drain of specie required for foreign export, begin once more to expand, and tempt the unwary to their ruin. Property of all descriptions commands a fair price. The fourth or the fifth year the era of extravagant banking and speculation returns, again to be succeeded by another ruinous revulsion.

This was the history of the country, up till 1837. Since then we have travelled the road to ruin much more rapidly than in former years. Before that period, it had required from three to six years to get up an expansion, and its corresponding explosion. We have now witnessed the astounding fact that we can pass through all these changes, and even from one suspension of specie payments to another, in little more than two years.

Now, any person who has read my speech with candor, any person who heard it in a fair spirit, must have observed that it was exclusively my object to correct the excesses of the banking system, not to destroy the banks. I wished, by wise and wholesome State legislation, to reform it in such a manner as to secure to the people the benefits which may be derived from it without involving them in ruin by its periodical excesses. I desired to see a sound mixed currency established, so that the wages of labor, the value of property, and the prices of the necessaries and comforts of life, might have a fixed and permanent character, and not be liable to the perpetual fluctuations to which they are now at every moment exposed.

But the Senator seeks to involve me in inconsistency, and to prove that I am a hard money man, notwithstanding my repeated and solemn disavowals of this doctrine, and notwithstanding the admission in his speech, that I had declared I was not friendly to an exclusive hard money currency, nor hostile to

well regulated State Banks. It is true that, in the very sentence in which he makes the admission, as well as throughout his speech, he nullifies its effect, and proceeds to argue as though it had never been made. What course does he pursue to accomplish this purpose?

Having ever been the friend of domestic manufactures, I endeavored to prove what I honestly believe to be the fact, that "the extravagant amount of our circulating medium, consisting, in a great degree, of the notes thrown out upon the community by eight hundred banks, was injurious to our domestic manufactures. In other words, not that banking, but that extravagant banking and domestic manufactures are directly hostile to each other."

To establish this proposition, I referred to the well known principle of political economy, "that if you double the amount of the necessary circulating medium in any country, you thereby double the nominal price of every article. If, when the circulating medium is fifty millions, an article should cost one dollar, it would cost two, if without any increase of the uses of a circulating medium the quantity should be increased to one hundred millions."

In order to apply this principle to our condition, and place it in its most striking light before the country and the manufacturers, I took the United States, which is emphatically a paper money country, not at the present moment of depression, but at the extreme point of our periodical expansion, when every article commanded the highest price; and contrasted the condition of our manufactures at that point of time with those of Germany, which is emphatically a hard money country. I presented the two extremes, in order to make the contrast the more striking.

At particular stages of our expansion, (I said,) we might with justice apply the principle which I have stated, to our trade with those countries, and assert, that from the great redundancy of our currency, articles are manufactured in France and Germany for one-half of their actual cost in this country. Let me present an example. In Germany, where the currency is purely metallic, and the cost of everything is reduced to a hard money standard, a piece of broadcloth can be manufactured for fifty dollars; the manufacture of which, in our country, from the expansion of our paper currency, would cost one hundred dollars. What is the consequence? The foreign French or German manufacturer imports this cloth into our country and sells it for a hundred dollars. Does not every person perceive that the redundancy of our currency is equal to a premium of one hundred per cent. in favor of the foreign manufacturer? No tariff of protection, unless it amounted to prohibition, could counteract this advantage in favor of foreign

manufactures. I would to Heaven that I could arouse the attention of every manufacturer of the nation to this important subject.

The foreign manufacturer will not receive our bank notes in payment. He will take nothing home except gold and silver, or bills of exchange, which are equivalent. He does not expend this money here, where he would be compelled to support his family, and to purchase his labor and materials at the same rate of prices which he receives for his manufactures. On the contrary, he goes home, purchases his labor, his wool, and all other articles which enter into his manufacture, at half their cost in this country; and again returns to inundate us with foreign woollens, and to ruin our domestic manufactures. I might cite many other examples, but this, I trust, will be sufficient to draw public attention to the subject. This depreciation of our currency is, therefore, equivalent to a direct protection granted to the foreign over the domestic manufacturer. It is impossible that our manufacturers should be able to sustain such an unequal competition.

But, sir, did I propose to convert this country into a hard money country in order to place it in the same condition with Germany and France in regard to domestic manufactures? Far, very far, from it. Such a change would violate all our fixed habits, and be opposed to the genius of our people. The case was presented, not with this view, but for the purpose of exhibiting the injurious consequences arising to manufactures from the redundancy of our currency at the periods of our greatest expansions. We must trade with these countries, whether we will or not, and in order to place us in something like a position of equality with them, I desired, if possible, to prevent these extravagant expansions by introducing such bank reforms as would secure to us a stable mixed currency, which should not be perpetually fluctuating in amount. This was the whole tenor of my remarks from beginning to end.

At the commencement of the very next paragraph I use the following language: "Sir, I solemnly believe that if we could but reduce this inflated paper bubble to any thing like reasonable dimensions, New England would become the most prosperous manufacturing country that the sun ever shone upon." The same idea is conveyed throughout. It is the reduction of our inflated paper currency to reasonable dimensions, not the destruction of banks and bank paper, which I have uniformly advocated.

In my statement of the simple fact known to all men, that the foreign manufacturer goes home to his hard money country and purchases his labor and his materials at half what they cost here, at the moment when our currency is in a state of the greatest expansion, the Senator finds his justification for asserting

that I desire to establish a hard money currency in this country, and to reduce the wages of labor and the value of property. But this is not all. Though the Independent Treasury bill was entirely lost sight of at this period of the discussion, and the only point involved was a general principle of political economy, having no reference whatever to that bill, he has had the hardihood to proclaim to the world, upon no other foundation than what I have stated, that I urged its passage because it would establish a hard money currency, and thus reduce the wages of labor and the value of property.

In 1837, I introduced the very same principle of political economy into the discussion, and in similar language presented the ruinous consequences which resulted to the manufacturing interest from the expansions and contractions of our paper currency. No Senator then misunderstood my argument. It was reserved for the Senator from Massachusetts, at this late day, entirely to pervert my meaning, and to endeavor to hold me up to the country as the avowed enemy of the poor laborer, and as the advocate of the Independent Treasury bill, because it would reduce his wages.

These periodical expansions and contractions of our currency seriously threaten to ruin our domestic manufactures. Unless they can be prevented, by some means or other, these manufactures must sink. When I express this opinion, I speak in the sincerity of my heart. Whether I am friendly to the cause of domestic industry or not, I leave for those to determine who have observed the whole course of my public life.

Our periodical crash is always preceded by a year of enormous importations. The reason is obvious. In proportion to the expansion of our currency, the prices of all articles rise; and from this enhancement of price, our country becomes the best market in the world for the sale of foreign manufactures. In the year 1839, our imports were greater, by forty-four millions of dollars, than they had been in 1838. This excessive importation, whilst it was the immediate cause of the ruinous revulsion in the business of the country, and of the suspension of specie payments, left our markets flooded with foreign goods, to the great injury of our own manufactures. When the explosion came, manufacturers, merchants, mechanics, laborers, and all, fell under its blasting influence. It was my object to correct the excesses of the banking system which are productive of these injurious consequences, and not to destroy the banks. The gen-

tleman, although he may take up detached sentences of my speech, and pervert their meaning, can never place any other construction upon the whole of it than such as I have stated.

To regulate—to restrain the banks within safe limits—to afford to the laboring man constant employment and regular wages—not to cause the wages of labor in one year to mount up with all other articles to an extravagant price, and then, by the revulsion in the succeeding year, to sink to almost nothing; these are the ideas which pervade my speech throughout. After our periodical explosions, the laborer undergoes calamities and sufferings much more severe than any other class of society. It was to correct this inevitable result, and thus to benefit the laborer, that I insisted upon bank reform. I declared that "an entire suppression of all bank notes of a lower denomination than the value of one week's wages of the laboring man, is absolutely necessary for his protection. He ought always to receive his wages in gold and silver. Of all men on the earth, the laborer is most interested in having a sound and stable currency."

Is there any gentleman of any party who will not unite with me in these sentiments? Ought we not to abolish all small notes, if this were in our power, of denominations lower than one week's wages of labor? The history of the proceedings in this Senate on the currency bill, and on other bills, proves that a principle which would produce this effect was sanctioned by all and voted for by all.

To show that I expressed no opinion in favor of an exclusive metallic currency, but directly the reverse, permit me to refer to another paragraph of my speech.

> But the Senator from Kentucky [Mr. Clay] leaves no stone unturned He says that the friends of the Independent Treasury desire to establish an exclusive metallic currency, as the medium of all dealings throughout the Union; and, also, to reduce the wages of the poor man's labor, so that the rich employer may be able to sell his manufactures at a lower price. Now, sir, I deny the correctness of both these propositions, and, in the first place, I, for one, am not in favor of establishing an exclusive metallic currency for the people of this country. I desire to see the banks greatly reduced in number; and would, if I could, confine their accommodations to such loans or discounts, for limited periods, to the commercial, manufacturing, and trading classes of the community, as the ordinary course of their business might render necessary. I never wish to see farmers and mechanics and professional men tempted, by the facility of obtaining bank loans for long periods, to abandon their own proper and useful and respectable spheres, and rush into wild and extravagant speculation. I would, if I could, radically reform the present banking system, so as to confine it within such limits as to prevent

future suspensions of specie payments; and without exception, I would instantly deprive each and every bank of its charter which should again suspend. Establish these or similar reforms, and give us a real specie basis for our paper circulation, by increasing the denomination of bank notes first to ten, and afterwards to twenty dollars, and I shall then be the friend, not the enemy, of banks. I know that the existence of banks, and the circulation of bank paper, are so identified with the habits of our people, that they cannot be abolished, even if this were desirable. To reform, and not to destroy, is my motto. To confine them to their appropriate business, and prevent them from ministering to the spirit of wild and reckless speculation, by extravagant loans and issues, is all which ought to be desired. But this I shall say. If experience should prove it to be impossible to enjoy the facilities which well regulated banks would afford, without, at the same time, continuing to suffer the evils which the wild excesses of the present banks have hitherto entailed upon the country, then I should consider it the lesser evil to abolish them altogether. If the State Legislatures shall now do their duty, I do not believe that it will ever become necessary to decide on such an alternative.

I declare that to reform, and not to destroy, the banks, is my motto. This was my language in 1837: it is my language now. The greatest enemies of these institutions are those who are unwilling to arrest them, by wise legislation, in their reckless and ruinous career, and thus prevent them from destroying themselves. There is no truth more certain than this: that if the influence of the banks should prevent the adoption of such legislation as will afford to the people the facilities which they have a right to demand from these institutions, without, at the same time, inflicting the evils which their wild excesses have hitherto entailed upon the country, they will finally be crushed by public opinion. This I should regret for many reasons, although it is possible that a much better banking system might arise from their ruins.

It is true that I expressed a serious doubt whether the present banking system would be wisely regulated by the States. I feel confident that this can never be effectually accomplished whilst nine hundred banks exist, pouring forth upon the country, at the periods of expansion, bank notes of all denominations from a dollar and upwards. You cannot have sound banks unless you reduce their number. Out of the large commercial cities, where banks transact their business much more by means of bank credits, deposits, and checks, than by the issue of notes, no bank can make money, and at the same time be safe, without an extended theatre for circulation. Country banks, whose circulation is limited to a circumference of a few miles in diameter, if they do a profitable business, must, from the very nature of

things, force their paper upon the public to such an amount as to render them insecure. In the days of expansion, when speculation is raging, they may not be in immediate danger. When the reverse comes, and panic arises, the notes of such a bank may be all thrown upon it for redemption in a single day, or a single week. It can make no safe calculation of the extent to which it can maintain its circulation, as it could do if this circulation covered a large space of country. One of the greatest reforms of our banking system would, therefore, be greatly to reduce their number.

Now as to the wages of labor: I really thought it was impossible that I could have been misunderstood, until I read the speech of the Senator. In combating the remarks of the Senator from Kentucky [Mr. Clay,] I proved that what the laboring man ought, above all things, to desire, was, such a reform in our banking system as would afford him "constant employment and regular wages, paid in a sound currency." It is ruinous to him for his wages to be rising with the kite of speculation one year, and the very next year to have them reduced to almost nothing, and even to be without employment altogether. He never benefits by extravagant speculation. It brings to him nothing but unmitigated evil, because the increased prices which he is obliged to pay for the necessaries and comforts of life, counterbalance, and more than counterbalance, this advantage. What he desires is stability and regularity in the business of the country. He ought to be able to raise his family in peace and comfort, and to look forward to the next year for the same reward for his honest toil that he received the last. On this subject no anxious doubts ought to harass his mind. He ought to feel himself independent so long as it shall please the Almighty to give him health and strength to earn his bread by the sweat of his face, without being involved in those periodical crashes of the banking system, which are produced by extravagant expansions of the currency. Under the present system the laboring man cannot calculate what a day may bring forth. He receives high wages to-day and is starving for want of employment to-morrow. In illustrating these views, I most cheerfully admitted in my speech that "that country is most prosperous where labor commands the greatest reward; where one day's labor will procure not the greatest nominal amount of a depreciated currency, but most of the necessaries and comforts of life." And I said that by correcting your bloated credit system in such

a manner as to reduce "the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your paper circulation," you would greatly benefit the laborer. He could then purchase more of the necessaries and comforts of life for one dollar "than he could have done in the days of extravagant expansion for one dollar and a quarter." Besides, he would then enjoy the advantages which he never can do under the present system, "of constant employment and regular wages," without being "involved in ruin by a recurrence of those periodical expansions and contractions of the currency, which have hitherto convulsed the country." The last thing of which I ever dreamed, was to bring his wages down to the pure metallic standard. I wished to adopt that safe mixed currency which I so fully described in the course of my remarks, and which would be a blessing to manufacturers, merchants, mechanics, laborers, and all the people of the country, because it would produce certainty and stability in all the transactions of life.

It was the ardent desire of Henry the 4th, the great monarch of France, so to govern his country, that every laborer in his dominions might have a pullet in his pot on Sundays. In our own highly favored land, even at the period of the greatest expansion, the laboring man could not afford to regale himself and his family with a roast of beef. If his wages were high, the monopolists of this article, aided by the banks, raised the price of this necessary of life in a much greater proportion.

I repeat that the Senator might have argued as he pleased against the Independent Treasury bill, and this would have afforded me no cause of complaint. He might have inferred, from my argument, however unjustly, that I was friendly to a pure metallic currency, and I should not have complained before the Senate. But when he put into my mouth, as a leading argument in favor of the bill, that it would restore an exclusive metallic currency to the country, I felt myself obliged, by imperious necessity, to correct the misrepresentation, because it was doing me the most galling injustice.

I regret, exceedingly, that anything of a personal character has grown out of this matter. It was the farthest thing imaginable either from my intention or my wishes. But when the Senator thought proper to treat my complaints with the scorn and contempt which he said they deserved, I believed it to be a duty which I owed to myself, to hurl back his defiance, and he may make the most of it.

REMARKS, MARCH 31, 1840,

ON THE DAY OF ADJOURNMENT.[1]

The resolution submitted some time since by Mr. Lumpkin, fixing the adjournment of Congress on the 18th of May, being taken up,

Mr. Lumpkin hoped that a vote might be taken on the resolution. His own opinion on the subject was unchanged, and he believed, as he had formerly taken occasion to say, that the business of the country would be greatly accelerated if a definite day was fixed for the adjournment. He was aware that a majority of the Senate differed with him as to the time mentioned; but if it was too early, the resolution might be amended so as to fix it at a more remote day; but he hoped that some day would be designated.

Mr. Norvell thought that Congress could not with propriety fix a day for adjournment until intelligence was received of the action of the British Government on the propositions submitted to her in relation to the boundary question. With a view, however, of disposing of this matter for the present, he would move that the resolution, with the bill, introduced by him some days since, fixing the day of meeting for the next session, be referred to the Committee on the Judiciary.

No one appearing to object, the question was about being put, when

Mr. Mouton observed that he considered it a very singular direction to give this resolution, and he was very much surprised that his friend from Georgia [Mr. Lumpkin] should acquiesce in it, as he considered it equivalent to a rejection of the resolution.

Mr. Lumpkin said he was compelled to yield to what he could not avoid. His friend from Louisiana and himself had the same opinion on this subject, but the majority of the Senate thought differently, and they had the power to give any direction to the resolution they thought proper. He had endeavored repeatedly to get a direct vote on his proposition, and had even asked it as a personal favor; but it was not thought proper to grant his request, and he bowed to the will of the majority. He therefore hoped his friend from Louisiana would perceive that there was no ground for being surprised in the fact of his yielding when he could not help it.

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 296–297.

Mr. Buchanan said he agreed with the Senator from Georgia on this subject, and had voted with him throughout. His legislative experience, which was not short, had taught him that seldom was there a determined purpose evinced to transact the business of Congress until a day was fixed for the close of the session. As to this question of the Northeastern boundary, the British Government last July (he spoke from recollection) submitted a proposition to this Government for its settlement. This not proving satisfactory, our Government submitted to the British Government a counter *project*, to which, as yet, no answer has been received. He was very glad to learn from the communication of the British Minister, which was read in this body on Thursday last, though he did not like the temper displayed in that paper, that an answer might be shortly expected. When the expected answer to our counter *project* is received, we will see daylight on this question. We will then be informed whether the British Government accedes to the proposition, and is disposed to settle it amicably, or whether she refuses, and in that event we will know what we have to do. He was not willing to vote for fixing the 18th of May as the day of adjournment, but he thought that in all human probability the reply of the British Government would be received before the first of June. Should that answer be unpropitious, which Heaven forbid, we can postpone it until such measures can be passed as we may deem necessary for the protection of the country.

Mr. Lumpkin having acceded to the modification of his resolution, as suggested by Mr. Buchanan,

Mr. Allen said he would vote against the resolution under consideration, or any other proposing to fix a day for the adjournment of Congress, in the present state of our foreign relations. He would consider a vote fixing a day of adjournment, at the present moment, when we are in expectation of the receipt of important intelligence from Great Britain, as equivalent to a declaration that we deemed the anticipated answer of the British Government as of no moment, whereas that answer might involve us in the most serious difficulties with that power.[1]

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[1] After some further remarks, the question was taken on laying the resolution on the table, and decided in the affirmative, ayes 23, noes 17, Mr. Buchanan voting in the negative.

REPORT, APRIL 13, 1840,

ON THE CASE OF THE BRIG ENTERPRISE.[1]

Mr. Buchanan made the following report:

The Committee on Foreign Relations, to whom were referred certain resolutions "in relation to the national rights of vessels forced by stress of weather into friendly ports, and the seizure of the brig Enterprise under those circumstances," report the said resolutions to the Senate, with the following amendments:

After the word "port," in the second line of the second resolution, insert the words "and under the jurisdiction."

Strike out of the second resolution the following words, in the second, third, and fourth lines, viz.: "she would, under the same laws, lose none of the rights appertaining to her on the high seas; but, on the contrary;" so as to make this resolution read as follows:

Resolved, That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the port, and under the jurisdiction of a friendly Power, she and her cargo, and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

REPORT AND REMARKS, APRIL 14, 1840,

ON THE NORTHEASTERN BOUNDARY DISPUTE.[2]

Mr. Buchanan, from the Committee on Foreign Relations, made the following report:

The Committee on Foreign Relations, to which were referred the several messages of the President of the United States, communicating to Congress, at its present session, certain official correspondence in relation to the question of the territory in dispute with Great Britain on our Northeastern frontier; and also certain resolutions of the Legislature of Maine on the same subject,

[1] S. Doc. 378, 26 Cong. 1 Sess. For the history of this case and of certain analogous cases, see Moore, International Arbitrations, I. 409–412.

[2] Cong. Globe, 26 Cong. 1 Sess. VIII. 322, 323. The report is also printed in S. Doc. 382, 26 Cong. 1 Sess.

REPORT:

That they have had the same under consideration, and now deem it expedient to communicate to the Senate their reasons for not making, at the present moment, a general report upon the whole subject. They feel that they will best perform this duty, by placing clearly and distinctly before the Senate the existing state and condition of the pending negotiation between the two Governments.

The President of the United States, in his annual message of December last, informed Congress that, "for the settlement of our Northeastern boundary, the proposition promised by Great Britain for a commission of exploration and survey, has been received, and a counter project, including also a provision for the certain and final adjustment of the limits in dispute, is now before the British Government for its consideration." The President has not thought it advisable to communicate this counter project to Congress; yet we have his assurance, on which the most confident reliance may be placed, that it is of such a character as will, should it be accepted, finally settle the question. This proposition was officially communicated to that Government during the last summer.

Mr. Fox, the British Minister, in his note of the 24th January last, doubtless with a perfect knowledge of the nature of the project which had been submitted by the American Government to that of Great Britain, assures Mr. Forsyth, "that he not only preserves the hope, but he entertains the firm belief, that if the duty of negotiating the boundary question be left in the hands of the two National Governments, to whom alone of right it belongs, the difficulty of conducting the negotiation to an amicable issue will not be found so great as has been by many persons apprehended." And in his subsequent note of March 13, 1840, he states that he has been instructed to declare, "that her Majesty's Government are only waiting for the detailed report of the British commissioners recently employed to survey the disputed territory, which report, it was believed, would be completed and delivered to her Majesty's Government by the end of the present month, (March) in order to transmit to the Government of the United States a reply to their last proposal upon the subject of the boundary negotiation." Thus we may reasonably expect that this reply will be received by the President during the present month, (of April,) or early in May.

Whilst such is the condition of the principal negotiation,

the committee have deemed it inexpedient, at this time, to report upon the subordinate though important question in relation to the temporary occupation of the disputed territory. They trust that the answer of the British Government may be of such a character as to render a report upon this latter subject unnecessary. In any event, they have every reason to believe that the state of suspense will be but of brief duration.

The committee, ever since this embarrassing and exciting question has been first presented for their consideration, have been anxious that the Government of the United States should constantly preserve itself in the right; and hitherto this desire has been fully accomplished. The territorial rights of Maine have been uniformly asserted, and a firm determination to maintain them has been invariably evinced; though this has been done in an amicable spirit. So far as the committee can exercise any influence over the subject, they are resolved, that if war should be the result, which they confidently hope may not be the case, this war shall be rendered inevitable, by the conduct of the British Government. They have believed this to be the surest mode of uniting every American heart and every American arm in defence of the just rights of the country.

It is but justice to remark, that the Executive branch of the Government has, from the beginning, been uniformly guided by the same spirit, and has thus far pursued a firm, consistent, and prudent course, throughout the whole negotiation with Great Britain.

Whilst the committee can perceive no adequate cause, at the present moment, for anticipating hostilities between the two countries, they would not be understood as expressing the opinion that this country should not be prepared to meet any emergency. The question of peace or war may, in a great degree, depend upon the answer of the British Government now speedily expected.

Mr. Wright called for the reading of the report, and it was read accordingly; after which

Mr. W. observed that in calling for the reading of the report, his only object was to hear the views of the committee, and to give himself an opportunity to move for the printing of an extra number of copies. He would make that motion for the reason, that within the last few weeks, he believed he might say within the last two weeks, his correspondents, a great many of whom were on the frontiers, seemed to entertain alarming apprehensions of immediate hostilities between this country and England. From

what cause he knew not. He had seen nothing himself to authorize such apprehensions, and he was gratified to find that the Committee on Foreign Relations entertained the same opinion.

Mr. W. then moved for the printing of ten thousand extra copies of the report.

Mr. Buchanan observed that the committee had no intention of moving the printing of an extra number of copies of this report, though certainly, as a member of it, he should not oppose the motion. The report was very short, and from the interest generally taken in the subject, it might, and probably would, be copied into all the country papers. He did not believe that it would occupy more than one column in the ordinary sized newspapers, and therefore there was little doubt but it would be extensively circulated. Still, if the Senator from New York [Mr. Wright] wished an extra number printed, he should not oppose it. He had only made these suggestions for the information of the gentleman himself, and would be content with any decision that might be made.

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Mr. Buchanan observed that the remarks of the Senator from Maine [Mr. Ruggles] seemed to render it necessary that he should say a very few words on the subject before the Senate. Those who had attended to the reading of the report, would perceive that, throughout, it was intended for the sole purpose of presenting to the Senate the reasons why the committee did not think it necessary, at this time, to make a detailed report on the whole correspondence. That was the single object of the report. If it should become necessary to make a report in regard to the temporary occupation of the disputed territory, the committee would not shrink from their duty. They were prepared to perform it to the Senate and to the country. But at this moment, when we have the solemn assurance of the British Minister that in a very short time we should have an answer from his Government to the counter projet presented by our Government; and when he not only expresses the hope, but "entertains the firm belief," that the "difficulty of conducting the negotiation to an amicable issue will not be found so great as has been by many persons apprehended," it is wonderful that the Senator from Maine should denounce this report, made under such circumstances, in such strong language. The report, Mr. B. continued, reasserted the rights of Maine in the most solemn manner; and it was extra-

ordinary that any citizen of Maine should expect a detailed report, or one different from that which had been made, unless, indeed, he could believe that the committee ought to have assumed a hostile position, and gone into all the correspondence that had taken place, and into the subject of the preparations that had been made by the British Government, in the very face of the assurance that we should have an answer to our proposition in the course of this month or the next; which, judging from the language of the British Minister, we had reason to believe would prove satisfactory. The committee thought it was their duty to place before the Senate the precise state of the negotiation between the two countries; and what that was might be summed up in twenty words. A proposition for an exploration and survey of the disputed territory had been made by the British Government; and this Government not deeming it satisfactory, because it did not embrace a provision for the final settlement of the question, had sent to the British Government a counter projet, to which no answer has yet been received. This counter projet was communicated to the British Government during the last summer, and the British Minister here, several months afterwards, with a perfect knowledge of its character, assures us that a speedy answer will be given to it, and expresses his confident belief that if this controversy is left to the two national Governments, it does not present the difficulties which had been by many persons apprehended. He also declares that the commissioners who had been sent out from England to make a survey of the disputed territory, were preparing their report—that this report would be ready within the month of March—and that then his Government would transmit an answer to the proposition we had submitted to them. Now in this state of the case, unless you suppose the British Government to be entirely faithless, which he had no reason to believe, we may reasonably expect, in this or the coming month, to receive an answer that may enable us to settle this question in conformity with the stipulations of the treaty of 1783, and in accordance with the just rights of Maine. Under such circumstances, how could it be expected that the committee would make a belligerent report? Mr. B. differed with the Senator from Maine in the opinion that the people of his State either would or could so construe this report, as to imagine that the committee or the Senate were prepared to surrender any portion of their rights. The past conduct of this body should shield them from such a suspicion, and their future conduct, should it become necessary,

would show that they were as ready now as they have been in former times, to sustain the honor of the nation as well as the rights of a sovereign member of the Confederacy. From the correspondence which had taken place between the two Governments, the committee hoped that this might never become necessary. Sufficient for the day was the evil thereof; and the committee thought the subject was already sufficiently embarrassing in itself, without unnecessarily adding to it other causes of irritation.

REMARKS, APRIL 17, 1840,

ON BRANCH MINTS.[1]

Mr. Buchanan had a few words to say in regard to the bill under consideration; and he should speak from memory, rather than from any recent investigation of the facts. For one, when these branch mints were established, he had the misfortune to differ from a large majority of his political friends in the Senate; and he voted under the banner of the Senator from Kentucky, [Mr. Clay,] and Governor Hill of New Hampshire, who was also opposed to them. He had seen no cause since to change the opinions he had then formed, though he hoped he might see abundant cause to do so hereafter. That, however, was not the question. These branch mints had been already established, and were now in operation; and the first section of the bill, if he was not greatly mistaken, was intended, not to increase, but to diminish the expense. Under the existing law, the superintendent was obliged to employ a separate class of laborers for each particular purpose of the institution; and at the mint in Philadelphia, he may easily do so without loss or inconvenience; but at these small mints, to confine the laborers employed to a particular branch of the business, necessarily obliged them to be idle for a considerable portion of their time. The object of the first section, then, was to enable the superintendent to employ the laborers at these small mints in different branches, and not confine them to one particular employment.

He would ask the Senator from New York [Mr. Wright, the chairman of the Committee on Finance, who had reported the bill] if he was not right in saying that the first section was not

[1] Cong. Globe, 26 Cong. 1 Sess. VIII., Appendix, 317.

to increase, but, as recommended by Mr. Patterson, was for the express purpose of diminishing the expense?

[Mr. Wright here answered in the affirmative.]

The whole amount of the business done at these mints, heaven knows, has been little enough. He wished to give them some more employment, and the superintendent said that this could be done with very little additional expense; that the silver could be coined by the same machinery that was used for the gold coinage, and that the engraver was under a stated salary. The bill provided for no appropriation whatever, and it was not supposed that any additional expense, of the least consequence, would be involved. Under these circumstances he was willing to give the bill his vote, and at the same time he would say that if the Senator from South Carolina, [Mr. Preston,] or any other Senator, should introduce a resolution to inquire whether it was necessary to keep up these mints, he should also vote for it. He had conscientiously opposed these branch mints at the beginning. He believed that strong arguments could be adduced to show that there should be no other mint besides the one at Philadelphia. He should, however, vote for the bill, and if any gentleman would offer a resolution of inquiry, he would vote for it, also, and regulate his subsequent votes, in relation to the subject, by the information that might be thus elicited.

REMARKS, APRIL 24, 1840,

ON A PETITION FOR A DUTY ON SILK.[1]

Mr. Buchanan presented the memorial of Jonathan H. Cobb of Dedham, and Samuel Cobb of Needham, Massachusetts, manufacturers of sewing silk and other silk goods, requesting Congress to impose a duty on the importation of foreign silk manufactures.

Mr. B. said that it had been demonstrated by experience, that our soil, our climate, and our pure and dry atmosphere, were peculiarly adapted to the production of silk. With this experience before our eyes, our country presented the strange, he was about to say absurd, spectacle of admitting the importation of foreign silks free of all duty. This was done at a time when our revenues were not equal to the expenses of the Government; and we were

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 354.

actually borrowing money to supply the deficiency. A new issue of Treasury notes might have been altogether avoided, had we, in time, imposed a moderate revenue duty on the importation of this article of luxury. Such a duty would have afforded, and would still afford, incidental encouragement to the production of silk—a branch of industry which was now struggling into existence, not only without the aid, but in direct opposition to the existing policy of our laws.

He confessed he could perceive no good reason why a revenue duty should not be imposed upon this article at the present session of Congress; whilst, as a mere revenue measure, there were many good reasons for our immediate action. We not only had lost the amount of revenue which would have resulted from a direct duty upon this article; but by a construction of the laws, which Congress never intended, we had lost very large sums incidentally.

There could be no policy more wise than that of varying our productions. This would essentially contribute to check the enormous amount of foreign importations under which our country now periodically suffered. The memorial states, "that in the year 1836, it required the whole exports of the Union, with the exception of cotton, and an addition of eight millions in cash, to pay for the importation of silk alone." Was not this statement—which he believed to be correct, although he had not himself recently examined the statistical tables—sufficient to carry conviction to every mind? All the products of agriculture, except cotton, of manufactures, and of the fisheries, which we exported, were exhausted in the purchase of foreign silks, and eight millions of dollars were required to supply the deficiency! What would the civilized world think of such folly? And as if this were the wisest policy in the world, we continue to throw open our ports to the free importation of this article, whilst we are borrowing money to defray the ordinary expenses of Government. Besides, this can never be regarded as a sectional question; because our whole country, North, South, East, and West, is admirably adapted to the production of this article.

The imposition of a revenue duty upon silk would be in exact accordance with the letter and spirit of the compromise law. It has expressly provided that, in the contingency of a deficiency of revenue before June, 1842, a duty not exceeding twenty per cent. might be imposed upon silk, or any other article not expressly excepted from duty by its terms. This contingency had hap-

pened. Our revenue was deficient, and why should Congress not immediately impose a duty of twenty per cent. on the importation of this article? So well had he been convinced, both of the necessity and policy of such a measure, that he should have read a bill in his place, at the commencement of the present session, imposing this duty, could such a bill have originated in the Senate, under the Constitution of the United States.

Before he took his seat, he would make a remark on the compromise act of March, 1833, the true nature of which, he had reason to believe, was much misunderstood throughout the country. It was supposed by many that the enormous importations of 1839 were mainly produced by the reduction of duties under this law. This could not have been the case; and these importations must mainly be referred to other and much more powerful causes.

That act, which was approved on the 2d March, 1833, by President Jackson, provides that the excess of duty above twenty per cent. levied by virtue of former laws on the importation of foreign goods, shall be gradually reduced until it reaches that standard on the 30th June, 1842. One-tenth of this excess above twenty per cent. was to be deducted after the 31st December, 1833; two-tenths after the 31st December, 1835; three-tenths after the 31st December, 1837; four-tenths after the 31st December, 1839; seven-tenths after the 31st December, 1841; and after the 30th June, 1842, the duties were to sink to twenty per cent. The operation of this act can be best illustrated by presenting an example. Let us take the article of woollen goods. Under pre-existing laws, the duty upon woollens was generally fifty per cent. This duty was to be gradually reduced to twenty per cent. under the provisions of the compromise. The excess then to be deducted was thirty per cent. One-tenth of this excess, or three per cent. was taken off after the 31st December, 1833, which reduced the duty to forty-seven per cent.; another three per cent. was taken off after the 31st December, 1835, which reduced the duty to forty-four per cent.; a third three per cent. was taken off after the 31st December, 1837, which reduced the duty to forty-one per cent. Thus it will be perceived that the actual duty collected on foreign woollens during the period of the vast importations of 1839, was forty-one dollars for every hundred dollars of their valuation. And yet the woollen interest has been represented, by the Senator from Massachusetts, [Mr. Webster] not now in his place, as one of the most suffering and depressed

interests of the country. We must seek the sources of this suffering and depression in causes different from the compromise law. The present duty upon woollen goods is thirty-eight dollars for each hundred dollars of their valuation; and will thus continue until the 31st December, 1841.

Mr. B. said he would make no comments upon these facts at present. His sole object now was to place the amount of the reduction of duties which had hitherto been made under the compromise act, clearly before his constituents and the country.

REMARKS, APRIL 29, 1840,

ON A GRANT OF LAND TO DADE INSTITUTE.[1]

The bill granting one township of land to the Territory of Florida, for the establishment of the Dade Institute, being taken up,

Mr. Fulton rose to explain the object of the bill, which was, to erect a monument to the brave dead, who had fallen in the wilds of Florida, fighting the battles of their country. In erecting this monument to the memory of the illustrious deceased, it combined the advantage of a literary institution, in which the rising generation, while it was taught what would render the youth of the country valuable members of society, would be inspired with a love of glory, and emulation of those who had offered up their lives as a sacrifice on the very spot where it was contemplated to found this institution. He thought the interest that must be felt throughout the whole Union for the fate of those gallant and chivalrous men who had met death far from their homes, must commend this measure to the favorable consideration of the American people. Where could there be a more magnificent undertaking, or one more worthy of the American character, than to erect over the ashes of fallen heroes a national monument, at once to perpetuate the glory of the fallen sons of the Republic, and to instruct the rising ones in their duty to their country? He hoped the bill before them might not meet with any serious objection. The desire of the American people to mark this spot, to hold it up, like Thermopylæ of old, as a memento of the noble sacrifice of life to patriotic considerations, he thought, should induce every Senator present to lend it his aid.

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[1] Cong. Globe, 26 Cong. 1 Sess. VIII., Appendix, 423.

Mr. Buchanan held the memory of Major Dade in high estimation, and would be willing to accord every just tribute of respect; but he could not consent to vote for the bill before them without some further information. While he was ready to admit that the public lands could not be more usefully applied than to seminaries of learning, yet he must know, when given, that they are to be successfully applied. What security had been afforded in this case, that, if the land were granted, the college would be erected by the Territory? Again: the bill provided that the college should be built on the spot where Major Dade and his comrades had fallen. Was that a proper site? was it in the centre of population? Had all these necessary investigations been made? and if not, would it be proper to pass the bill before these matters were fully considered? He would, therefore, suggest to his friend from Arkansas, to let the bill lie over; his remarks had called public attention to the subject, and at a future time it could be introduced with a better chance of success. He would, therefore, move to lay the bill on the table, expressing his willingness to withdraw that motion, if any Senator desired to debate it.

The bill was laid on the table.

REMARKS, MAY 4, 1840,

ON THE CLAIM OF CLARKE AND FORCE FOR EDITING.[1]

Mr. Buchanan observed that he was as anxious to get clear of this contract as any other man; but at the same time he was anxious that Congress should get clear of it by doing what he conceived to be justice and equity on their part. Now, it could not be denied, because the recorded evidence was before them, that this contract was entered into with these individuals under an express act of Congress; and it was too late now for them to say, with the honorable Senator from Ohio, that the Congress of the United States had no right to pass such a law. He should not enter into the constitutional question, but it certainly would not be fair, after the expense had been actually incurred by these individuals under the contract, to refuse payment upon the plea, whether well or ill founded, that we had no right to authorize

[1] Cong. Globe, 26 Cong. 1 Sess. VIII, 378.

the Secretary of State to make such a contract. In this case he had no doubt that Mr. Livingston altogether misapprehended the extent of the obligation he was incurring, and indeed he presumed that no member of Congress, at the time, had any idea that the contract would ever involve any thing like the amount of expense that they now saw it would. Nevertheless, they had got themselves into the difficulty, and how they were to get out of it was the question. By raising a legal question? No; but by pursuing the course that had been pointed out by the Senator from New Hampshire and the Senator from Alabama.

Let us (continued Mr. B.) pay them fairly—let us give them a just indemnity for the expenses they have incurred and the labor they have performed. He would not go to the extent of the profits they might imagine themselves entitled to, but he was for giving them a fair and even liberal indemnity. For his own part he had felt rather inclined, as they would eventually be bound to pay for the two volumes already published and the one now in progress, to let the appropriation pass as it stood in the bill, if such had been the pleasure of the Senate. The work had been done under a law which is still in existence, and it would be in vain for them to say that Congress had no right to pass the law. Mr. B. concluded by saying that he was for paying for what had been done and getting rid of the contract.

REMARKS, MAY 7, 1840,

ON PUBLIC EXPENDITURES.[1]

Mr. Buchanan said: I rejoice at this day's debate. It has been the most propitious day for eliciting truth which we have seen since the commencement of the session. Its consequences, for good or for evil, must be felt, and will be felt, either by our friends in the Opposition or by ourselves. I am most willing to abide the result.

I do not rise to discuss any of the great questions agitated to-day, which have not an immediate bearing on the subject before the Senate. My purpose is, so far as my voice can be heard, to fix the attention of the Senate and the country upon the very question now at issue between the two great political parties;

[1] Cong. Globe, 26 Cong. 1 Sess. VIII., Appendix, 441–442.

which is, have the present Administration been guilty of an extravagant and wasteful expenditure of the public money?

As to the result of the next Presidential election;—I shall never make that a subject of discussion in this body, unless I should be forced into it by Senators in the Opposition. In passing, I would merely say, "Let not him that girdeth on his harness boast himself, as he that putteth it off." I shall never raise the shout of victory, until the battle has been fought and won; although I may feel great confidence in the result. The event, under Providence, is in the hands of the American people; and this day's debate will essentially serve to enlighten their judgment and to influence their decision.

Mr. Van Buren came into office on the 4th of March, 1837. Since that day, we must all admit that the Treasury has not been full. On the contrary, we have found difficulty ever since in raising the ways and means. This fact we cannot deny; and if we have been guilty of extravagant and unnecessary expenditures of the public money within that period, we can neither justify nor excuse ourselves under the plea of an overflowing Treasury. We desire to escape from this charge under no such subterfuge. We boldly deny the accusation of extravagance preferred against us by our political opponents, and demand the proofs by which it is to be sustained.

In order to establish their accusation, that this Administration has been guilty of an extravagant and unnecessary expenditure of the people's money, since the 4th March, 1837, they must clearly and distinctly point out the items and the objects of this extravagant and unnecessary expenditure. We call upon them for their bill of particulars. We ask them where, when, and how, have these expenditures been incurred? Vague and general charges of extravagance, although clothed in the most eloquent language, amount to nothing. We call for specifications—for items. By this report from the Secretary of the Treasury, we furnish our opponents with the best weapons to assail us, if we are vulnerable. It enumerates, under different heads, all the expenditures of public money since the present Administration came into power. It presents the subject, item by item, and makes an aggregate for the last year (1839) of thirty-seven millions of dollars. The permanent and regular expenses of the Government, during that year, did not reach thirteen millions and a half; and it has never, to my knowledge, been asserted, either by friend or foe, that, under any system of wise economy,

they could have been reduced below this sum. The remaining twenty-three millions and a half (I speak in round numbers) consist of eleven millions expended in the payment of the public debt, which we were compelled to create in consequence of the bank explosion of 1837; and twelve millions and a half appropriated by Congress for the purpose of meeting extraordinary and temporary expenditures which we allege were unavoidable. We now come to the very point in controversy. This is a question of figures; and honorable Senators in the Opposition are called upon, with the report of the Secretary of the Treasury in hand, to lay their finger upon those items of expenditure, whether ordinary or extraordinary, which they condemn. Let them point out such as could have been avoided. This, and this alone, is the mode by which they can establish the charge of extravagance against the present Administration. Now, sir, our case is presented. The heads of our expenditure are before the Senate, and the people of the United States, in an official and authentic form; and feeble as I may be, I am willing to take up the gauntlet, and do battle with any of our political opponents in defence of the present Administration against this charge. I shall not refer to the journals for the purpose of proving that they themselves have voted in detail for the very expenditures which they now condemn in mass. This has never been my practice. I take these expenditures as I find them; and all I ask is, that our opponents shall come forward and specify, in a distinct and tangible form, those particulars which they deem unnecessary and extravagant.

Gentlemen, in the first place, fix fifteen millions of dollars as the proper annual expenditure of the Government, and then charge the Administration with extravagance, because it has exceeded this imaginary standard. The present report of the Secretary of the Treasury exposes, in the clearest light, the fallacy and the injustice of such a course. Among the items constituting the twelve and a half millions of the extraordinary and temporary expenditures during the last year, we must certainly find the evidence of this extravagance, if it is any where to be found. Can any Senator specify a single expenditure upon this list which ought not to have been made? In it the items for Indian wars, for the purchase of lands from the Indians, and their removal west of the Mississippi, amount to a large sum. But who will say that these expenditures have been unnecessary? The present Administration, when it came into power, found an Indian war

raging on our Southern frontier. This war was more savage, f possible, than any war which the savages had ever waged gainst us. Men, women, and children, were murdered indis-criminately. Would any one of our friends on this side of the House, stop to calculate the cost of defending our citizens against such a cruel and treacherous foe? I answer, not one. If mil-ions more had been necessary for this purpose, they would them-selves have granted these millions. With what justice, then, an the Administration be censured for this expenditure? Ex-ravagance in this particular can with no more justice be charged on Mr. Van Buren, than on the Emperor of China. He found he Florida war raging when he came into power; and he was bound, by the most imperative obligations, to apply the money granted by Congress to the defence of the country. Had he acted otherwise, he would have violated the highest duty of his station; nd yet this is a heavy item in the extravagant expenditure with vhich he is charged. It is perfectly fair for gentlemen to exam-ne carefully the manner in which this war has been conducted, nd if they can find any thing in it justly censurable, to hold it p to public view. But the war itself, and the necessary expenses f conducting it, were inevitable. Then as to the removal of the ndians and the purchase of their lands. This policy was, I elieve, commenced under the Administration of Mr. Monroe, nd has been steadily pursued throughout all the succeeding Ad-ministrations. The object has now happily been almost accom-lished. Is Mr. Van Buren chargeable with the expense incurred y pursuing this policy? If Indian treaties, ratified by the Senate, nd sanctioned by Congress, had required the expenditure of five r ten millions more in removing the Indians from the States ast of the Mississippi to the west of that river, who could have airly charged Mr. Van Buren with extravagance in this increased xpenditure? Is there any Senator who would restore the ndians to Georgia, and the other States from whence they were emoved, even if, by doing so, he could restore the cost of their emoval to the public Treasury? Not one.

The most extraordinary item embraced in this general charge f extravagance, is the large amount of indemnities paid by the reasury to our own citizens, for losses sustained by the injustice f foreign Governments, and which the administration of General ackson obtained from these Governments by its vigorous and uccessful policy. These sums were paid into the Treasury in rust for the claimants, and of necessity they were paid out to

these claimants. And yet this very disbursement contributes largely in swelling the aggregate expenditure of the last year to $37,000,000, and is thus made to constitute one of the items of proof to establish the charge of extravagance against the present Administration.

I might examine in detail the whole list of these extraordinary and temporary expenses of the Government during the last year, and ask which one of them could have been avoided; and the answer to each individual question must be the same. They were all necessary. Mr. Van Buren is fairly chargeable with none of them. Point out when, and where, and how, he could have avoided or diminished any of them. Unless you can do this, you give up the question.

The honorable Senator from Kentucky [Mr. Clay] takes up the expenses of the civil list. He compares their aggregate amount with what it was a number of years ago, and shows that it has increased. This increase has been rendered absolutely necessary by the increase of our rapidly extending country. But he deals altogether in generals. He does not descend to particulars where we could meet him.

Here Mr. Clay said, I do descend into particulars. I mentioned the increased number of custom-house officers.

Mr. Buchanan. The gentleman refers generally to the custom-house officers. What kind of a bill of particulars is this? If the number of custom-house officers has been increased, let it be shown that this increase was made without necessity, and was not required by the public service. This, I think, will prove to be a difficult task. Let the subject be minutely investigated.

This is not a question to be carried by eloquent appeals, but by a close examination of facts and figures. The Secretary of the Treasury has laid the case fairly open for gentlemen: and if there has been any expenditure not justified by necessity, I am willing to unite with them in condemning it. Three years of the expenditures of the present Administration are now before the country; and I shall expect, at an early day, to hear from our friends in the Opposition on this subject. I repeat again, let them point out the items of extravagance; and if we who are the political friends of this Administration cannot defend each one of them in detail, we must suffer the consequences. The people of this country have a right to know whether any, and, if any, what, amount of the thirty-seven millions of dollars paid out of the Treasury during the last year, has been expended without necessity.

Sir, the necessary expenses of this Government must go on ncreasing. No human prudence or foresight can prevent it. All that we can do, is to take care that not a dollar shall be xpended which is not necessary to promote the interest or defend he honor of the country. You might, with equal propriety, ay that the same quantity of cloth would make a garment for he full grown man, which was sufficient for him when he was a ittle boy, as to allege that the necessary expenditures for this ountry, now embracing twenty-six States and three populous Territories, should be limited by what they had been ten or twenty ears ago. The position cannot, for a moment, be maintained.

I agree with the Senator from South Carolina, [Mr. Pres- on] that sound policy dictates to us to increase our navy. It is ur best and most natural defence against a foreign foe, and our ommerce, which is spread over every sea, demands additional rotection. But, according to the positions assumed by gentle- ien, the appropriations which may be made by Congress to carry is policy into effect, would constitute, in the aggregate of the ccount current, a heavy item of extravagant expenditure against ie President, who should execute our will.

The present issue is precise and limited in its character. Have the expenses of the Government been extravagant since ie 4th March, 1837? We are ready for the trial. This ques- ion, however, is not to be decided by comparing the aggregate f expenditures for the years 1837, 1838, and 1839, with the ggregate for previous years, when there were no Indian wars— o Indian lands to be purchased, nor Indians to be removed, and one of the other enumerated extraordinary expenses to be in- urred. I have nothing more to say.

REMARKS, MAY 29, 1840,

ON PRESENTS FROM THE EMPEROR OF MOROCCO.[1]

Mr. Buchanan, from the committee on foreign relations, eported a joint resolution from that committee, authorising the ale of the lion and lioness sent to the president by the emperor f Morocco, and of the Arabian horses, &c., sent by the Imaum f Muscat, the proceeds to be deposited in the public treasury;

[1] Niles' Register, June 6, 1840, vol. 58, p. 218.

which resolution having been read twice, and coming under consideration.

Mr. Tappan moved, or suggested, that the proceeds should, in some form or other, be returned to the donors.

Mr. Buchanan stated that the consul at Morocco had peremptorily refused the emperor's present, who told him that the refusal would have cost him his head, if he (the emperor) were president of the United States. The lions were afterwards sent to the house of the consul; who still refusing, the nephew of the emperor, who brought them, said he must either leave them or lose his head, and he would therefore turn them loose, and, on his proceeding to do so, the consul received them.

The Imaum of Muscat, on being told that the president could not receive his presents, said he would send them to congress; and when told that they could not receive them, he asked who ruled in America. The answer was, the people; and he accordingly sent them to the grand sultans of the U. States, the people.

Under these circumstances, and considering the expense of keeping and importation, Mr. B. hoped the resolution would be allowed to pass.

Mr. Young suggested the propriety of giving them to some institution.

Mr. Allen said this was a new move in behalf of individual associations.

The resolution, as reported, was ordered to be engrossed for a third reading.

TO GENERAL PORTER.[1]

WASHINGTON, May 30th, 1840.

MY DEAR SIR:—

I have received yours of the 28th inst., and it afforded me much pleasure.

I have had a long and free conversation with Mr. Van Buren this morning on the subject of Pennsylvania politics. It was the first of the kind for some time. In the course of it I took occasion to read your letter to him, with which he was much gratified.

I impressed upon him, in the same terms I used to yourself, the absolute necessity of union and harmony between the State

[1] Curtis's Buchanan, I. 453.

and national administration. I told him that if one portion of the party in Pennsylvania said they were for Paul, and another for Apollos, the great cause with which both Paul and Apollos were identified might be ruined. He expressed, as he ever has done, a great regard for you, and said he had given conclusive evidence of it by the appointment of Judge Blythe, and that he never had concealed the fact that this appointment was made to gratify your wishes. Upon a suggestion of mine, that an opportunity might probably be presented, on the 4th of July, to manifest his regard for you by giving a toast in your favor, he said he doubted the policy of that course, both in regard to you and himself. That the better mode was for both to evince their feelings by their conduct. He spoke freely of certain politicians in Philadelphia, and I have no doubt from what he said, that he will exert his influence in some manner to prevent them from any longer treating you unfairly. Upon the whole, I left him more convinced than I ever was before, that he is your friend. He made the very observation to me which I had made to you, that in the progress of the Presidential canvass, when the party became excited, the feeling which now existed against you in a few places would be entirely forgotten. Of this I am perfectly convinced, *especially if the bill should pass imposing the restrictions on the banks recommended in your January message.* There is no man in the State who more ardently desires this result than myself, and none who will more endeavor to accomplish it. Devoted as I am to bank reform, from a conviction of its absolute necessity, and having always expressed the same opinion on this subject, publicly and privately, this bill would place a powerful weapon in my hand. I shall have to visit Westmoreland County, on the business of my late brother-in-law's estate, very soon after the adjournment of Congress, and I am under the impression that I can do much good there. I shall be very much rejoiced indeed to hear of the passage of this bill.

I have had a long and a strong talk with ——— ———. I am confident his feelings towards you are not unkind.

The resolution of the Senate, expressing their opinion in favor of the bankrupt system will place me in an embarrassing position, should it pass the House. Had the legislature instructed me, I should obey with pleasure, because all my sympathies are in favor of the suffering debtors. If left to myself, my judgment is so much opposed to my feelings, that I believe I should vote against the bill without making any speech. The expression

of a legislative opinion would probably compel me to give my reasons for dissenting from their opinion. If there be a majority of the House in favor of the measure, why not change the expression of their opinion into instructions, and then I shall be relieved from all responsibility on the subject. I made a long speech in opposition to the bankrupt bill during the first session of my service in Congress, 1821–2; and I have yet heard nothing materially to shake my ancient opinions, though I am still open to conviction. I have not yet heard from Mr. Espy.

Ever your friend,

Very respectfully,

JAMES BUCHANAN.

REPORT, JUNE 3, 1840,

ON THE RELIEF OF A. H. EVERETT.[1]

Mr. Buchanan made the following report:

The Committee on Foreign Relations, to whom was referred the bill from the House of Representatives entitled "An act for the relief of Alexander H. Everett," report:

That this bill allows to Mr. Everett the sum of $958.32 for office-rent at Madrid, from the 1st October, 1825, till 31st July, 1829, while he was the minister of the United States at Spain. This office was rented for the use of the legation at the rate of $250 per annum, and the rent was charged in Mr. Everett's accounts against the Government; but it was disallowed by the Department of State.

Mr. Everett alleges that he rented the office under the belief that the Government would pay the rent, founded on a knowledge of the fact, that similar allowances had been made to our ministers in London and Paris; and the committee entertain no doubt of the truth of this allegation. The committee, notwithstanding, do not feel themselves authorized to recommend the passage of the bill.

It is true that, since 1817, the ministers of the United States at London, and, since 1822, our ministers at Paris, have been allowed office-rent; though it may be well doubted whether this allowance is sanctioned by the act of May 1, 1810. That act is clear and explicit in its terms. It expressly provides, "that the

[1] S. Doc. 511, 26 Cong. 1 Sess.

President of the United States shall not allow to any minister plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, *as a compensation for all his personal services and expenses;*" and Mr. Everett was bound to know its provisions. The committee believe that it is a necessary expense of the minister to provide himself an office where the business of his legation may be transacted; and that under no fair rule of construction can office-rent be considered a contingent expense of the mission. These contingent expenses are intended to embrace only the postage on despatches, letters, &c., and other incidental and uncertain expenditures. The allowance for office-rent in London and Paris has doubtless been made on account of the great expense of living in these cities, and the large amount of business to be transacted there. It has never been extended to any of the other ministers of the United States; and the question now is, whether Congress shall, for the first time, establish such a precedent.

All our ministers and chargés have undoubtedly paid office-rent, in the different countries to which they have been accredited; some under the general denomination of house-rent, and others for offices separate from their houses. Indeed, similar claims have already been advanced by other ministers to Madrid. If this allowance should be made to Mr. Everett, it would be difficult to conceive upon what principle the money expended for the same purpose by all others in a similar situation could be withheld by the United States. His mistake, arising from a very questionable practice under the law at London and Paris, could afford no just ground of discrimination. The committee would much rather limit than extend this practice; and, therefore, they recommend the indefinite postponement of the bill.

REMARKS, JUNE 5, 1840,

ON A GENERAL BANKRUPT LAW.[1]

Mr. Crittenden moved that the subject be referred to a select committee.

Mr. Hubbard moved that the further consideration of the whole subject be indefinitely postponed. In making this motion, Mr. H. said that it was not his object, nor was it his wish, to pre-

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 445, 446.

vent any further discussion of this subject that might be desired. He was anxious to hear all that might be said. But it was his entire conviction that no bill could be matured at the present session. To a portion of the Union the subject had not engaged as yet much of the public attention, and he was unwilling that any bill should be passed until more time should be allowed for the consideration of this question in all its bearings. The bill from the committee, and the bills of other Senators, had been printed, and the subject had been debated, and he was now disposed to leave the whole matter for the consideration of the American people. In his opinion no bill could be passed at this session, and it seemed to him that the time had arrived when the Senate should, by their vote, determine whether it was prepared to adopt a bankrupt system, based upon the principles which had been sanctioned by the votes already given. The Senate has distinctly, by its vote, determined to exclude all corporations from the provisions of a bankrupt system. It had also determined, by its vote, to include the voluntary and the compulsory principle. These opinions have been so clearly expressed by the votes of the Senate, that the committee, who, it is proposed, shall now take the subject into their further consideration, will undoubtedly feel themselves bound to report back a bill embodying those principles, and providing for their improvement by such details as they may consider necessary. He therefore thought the Senate had now better determine whether it is prepared to adopt a bankrupt system, embracing exclusively the principles already settled by the action of the Senate. He might be entirely mistaken, but he was not prepared to believe that a majority of the Senate would yield its assent to such a system. With these impressions, and believing that the Senate ought to express its opinion upon the question, he had made the motion for indefinite postponement. He was well satisfied that no bill, matured upon the principles already settled, could be passed at the present session through both Houses of Congress. He thought, therefore, it would be advisable now to take the question involved in the motion he had submitted; and that is, would it be proper to pass a bankrupt bill based exclusively upon the principles as settled by the vote already taken in the Senate? *He thought not.*

Mr. Buchanan expressed the hope that what had been done would not be lost, but that the bill would be referred, made as perfect as possible, and, even if *it could not* be now passed, be sent forth for information to the people.

Mr. Clay spoke in favor, not of the indefinite postponement, but of taking the vote upon it now, to determine whether a majority of the Senate was in favor of a bill, in any form, on this subject.

Mr. Webster spoke with great earnestness against the indefinite postponement. The Senator from New Hampshire might well vote for it, because he was opposed to the bill in every form. But Mr. W. entreated Senators who were in favor of such a bill at all, not to delay its passage to another session.

Mr. Norvell also spoke emphatically against the postponement.

Mr. Clay said his sole object in desiring the vote to be taken on this question now, was to see if a majority of the Senate were in favor of passing the bill in any form.

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Mr. Buchanan had but a few words to say. He had been, in a great degree, anticipated by the remarks of his friend from New Hampshire, [Mr. Pierce.] With that gentleman he protested against any attempt which had been made, or might be made, to present the present as a test question to him.

He did not consider the motion to postpone the present subject indefinitely, as any test question. Under what circumstances had it been made? Several weeks ago, the majority of the Committee on the Judiciary had reported a bill, confined in its provisions to cases of voluntary bankruptcy. The minority of the same committee had presented another bill, which extended to compulsory bankruptcy, and offered it as a substitute for the bill of the committee. This amendment had been discussed at great length, and amended in several important particulars; and now the friends of a bankrupt system moved to refer the original bill, together with the amendment, on the adoption of which, as a substitute for the original bill, no vote had yet been taken, to a select committee. They desired in this manner to perfect the details of the system, and to present it, in one uniform bill, to the Senate and the country. It was at this stage of the proceeding that the motion for indefinite postponement had been made. For his own part, he believed that ordinary courtesy to the friends of the measure required that they should be permitted to amend their bill, and present it to the Senate in such a form as they preferred. He would not deprive them, by his vote, of this opportunity. After they had presented the bill to the Senate, in its

matured shape, then, and not till then, would he consider the question of indefinite postponement as a test question, and such he believed had been the practice of the Senate.

But higher considerations than mere courtesy had brought him to this conclusion. He held strong opinions against any bankrupt bill founded upon the English system. These opinions he had expressed at length, nearly twenty years ago, in the other House of Congress. Although his sympathies were strongly enlisted in favor of the suffering debtors throughout the United States, still his impressions were unfavorable to the bill. He should gladly be convinced that he had been wrong. The Senate of his own State had passed a resolution, with but a few dissenting voices, in favor of a bankrupt bill. It was not an instruction, but a strong expression of opinion. Under such circumstances, with so many meritorious individuals interested, he thought it would be both a harsh and unjust measure for him to deny to the friends of the bill the opportunity of perfecting its details. And this was more especially the case, when every person who had studied the subject must acknowledge that the details of any bankrupt bill essentially entered into its merits. He himself was not opposed to adopting the principle of releasing honest insolvent debtors who had surrendered all their property to their creditors, provided such a law could be framed by Congress as would not introduce evils in practice to the community which would more than counterbalance all the good proposed to be accomplished. He was, therefore, entirely willing to recommit the subject to a select committee of its peculiar friends.

It was highly probable that no bankrupt bill would become a law at the present session. Let its friends, therefore, place the subject in its best form. Let them in this manner present a distinct issue before the people of the country. He himself would obey the voice of public opinion in his own State, expressed in the constitutional manner. Should he not be instructed, at the present session, by the authority which he felt himself bound to obey, it was his strong impression that he should, acting upon his own responsibility, vote against the measure, in any form in which it would probably be presented by the committee. Still, he was willing to give its friends every fair opportunity of offering it to the public in the form which they might deem the most perfect.

Mr. Allen said that the object of his former remarks had been attained. He desired that gentlemen, in giving their votes

on this question, should not be placed in a false position. They had accordingly explained their views in the votes they were about to give, and this was the object he had in view when he was up before. He would himself most cheerfully vote for the indefinite postponement of the whole matter.

Mr. Sevier and Mr. Linn expressed their views on the whole question somewhat at length, (a report of which will be given hereafter,) and the question being taken, the motion to postpone indefinitely was lost—ayes 16, noes 28.

REMARKS, JUNE 11, 1840,

ON A BILL ABOLISHING EXTRA ALLOWANCES TO OFFICERS OF THE ARMY AND MARINE CORPS.[1]

Mr. Sevier then modified his motion so as to refer the bill to the Committee on Military Affairs, with instructions to bring in a bill abolishing all the extra allowances to officers of the army and marine corps, and establishing in lieu of them a fixed and certain monthly pay. He was in favor of giving these extra allowances to the marines, if the other officers got them, but he wished them all to be cut off.

Mr. Buchanan scarcely knew how to vote on this question. He did not think that his friend from Missouri [Mr. Benton] could not be engaged in a more laudable undertaking than in executing these instructions, though at the same time he doubted whether he would have time enough to do any thing this session. He had often thought on this subject, and wished that the pay of our officers was regulated in such a way that every one could understand what it was. Was there a member of this body, he asked, who could tell what the officers of the army or navy received? He had endeavored to ascertain what some of them received, without success. What did General Macomb or one of the superior officers of the navy receive? He could not tell. While he wished to give to every officer a fair and liberal compensation, he at the same time wished to put them on the same footing with every other public servant, and to ascertain and fix a certain compensation for them, so that every body might know what it was. This was what the public desired and

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 457–458.

expected. He understood that there was a large sum allowed for forage to officers who kept no horses, and other allowances of a similar nature. All this might be very proper, and might be necessary to eke out their pay; but he wished to know what it was. If the Senator from Missouri was unable to execute this duty, he would be willing to lay it over till the next session; but he hoped that it would then, at least, be taken up and acted on.

Mr. Benton could assure gentlemen that, in his opinion, it would take every moment that remained of the present session for the committee to make up their opinions on a principle of compensation, and then the chief difficulty would commence—the application of the principle. The compensation of the officers of the army is made up of a great many separate classes of items, to all which separately the principle would have to be applied. And what would be the result, supposing such a bill should become a law? Here is an officer ordered out upon a march. Well, if in lieu of extras, as by the present arrangement, he is allowed a fixed and definite sum, he is to commence by being his own purveyor. He has to provide for his food, his transportation, or if he has a horse, to make provision for forage; whereas, under the present arrangement, he is in a condition to set out at once, and make his requisition for these articles on the quartermaster. This proposed arrangement would throw every officer on his own resources, when he had received marching orders; just as a private citizen would be when setting out upon a journey. These would be some of the inconveniences of the arrangement, which had occurred to him at the moment, but they were not all. He would repeat that it would take all the time of the committee during the remainder of the session, to adjust a scale of compensation, and when that was fixed, in his opinion, it would be found incapable of application. He hoped gentlemen would therefore see the propriety of not imposing a duty on the committee at this late period, from which no practical results could be expected, and would permit it to lay over until the next session of Congress.

Mr. Buchanan observed that he was sensible of the difficulties involved in the question, but they did not appear to him to be insuperable. No person imagined that an officer of the army was to provide himself with beef and pork on a march; but that difficulty could be obviated by allowing him to draw provisions, and charge him with the amount, to be deducted out of his pay. But he apprehended that it would be of great importance to the service to fix the standard of pay so as to cover all rations and allow-

ances of every kind that the officers now receive. Being satisfied, from the explanation of the Senator from Missouri, that he could not attend to this business during the short time that was left of this session, he would not, therefore, vote to impose it upon him.

REMARKS, JUNE 15, 1840,

ON A BILL TO CONTINUE THE CORPORATE EXISTENCE OF BANKS IN THE DISTRICT OF COLUMBIA.[1]

Mr. Benton moved an amendment, as follows:

Upon condition that said banks shall not issue and pay out the notes of any bank, banker, or banking institution which is in a state of suspension or non-payment of specie.

Mr. B. said that he did not offer this amendment to prevent the banks from receiving such paper as they pleased, but to make them send it home for collection. It was to prevent the conventional agreements among themselves, by which they flooded the country with irredeemable paper. Each one received the paper of the other and sent it around and around in a circle, and thus, though it was nothing but counters—worthless bits of paper, the people were seduced into taking it. It was to break this chain, which enabled them to impose upon the country, that he offered his amendment. If they chose to receive this paper in payment of the debts due them on deposit, they must send it home for collection.

Mr. King supposed that the object of the gentleman was to limit the banks to the circulation of their own paper. He thought if he would turn to the amendment that he would find that they could issue out no paper whatever in a state of suspension. If the gentleman would modify his amendment he would vote for it.

Mr. Benton said that if the exception was made, it would give the banks express authority to pay out suspended paper.

Mr. Buchanan was entirely in favor of the amendment of the Senator from Missouri, if he would express it in language sufficiently distinct to prevent its giving any sanction, directly or indirectly, of the suspensions of these banks. One of the greatest evils of these suspensions was, that the banks never paid out their own notes at home. If they did, the people would have an oppor-

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 465, 465–466, 467.

tunity of compelling them by law to redeem these notes; but it was obvious that it would cost the holders of them too much to collect them by process of law at a distance.

The consequence of such a practice by the banks was, that, as soon as specie payments were suspended, the people around each of the banks were at once, in a great degree, deprived of the paper currency to which they had been accustomed, and in which they had placed confidence, and were compelled to accept the notes of distant banks, often of doubtful solvency, or get nothing. It was no hardship upon the banks to compel them to pay out their own notes alone during the period of suspension, and to send home the notes of other banks which they might think proper to receive. Under such a restriction, the banks of this District would receive no notes unless they had been issued by banks able and willing to make exchanges with them at short intervals; and frequent settlements of this kind were a powerful restraint upon excessive issues. The amendment would secure to the people of the District that currency with which they were best acquainted, and on which they could, at any time, bring suit without being obliged to travel to a distance. He was in favor of the principle contained in the amendment. He was for giving the banks of this District time to wind up their affairs, and nothing more; and he intended, before this matter was over, to introduce an amendment declaring that such was the sole purpose for which their charters were to be extended. He had long been of the opinion that, to keep six or seven little banks here, was doing a serious injury to the people of the District. It was no time now to substitute a larger bank for those now in existence, and he was therefore willing to extend the charters of the latter, provided it was only to enable them to go on for two years, and no longer, for the purpose of winding up their affairs.

Mr. Grundy said, the effect of the amendment, if passed in its present shape, would not be exactly what he supposed was intended. If the words "not within the District of Columbia," were introduced, he thought it would be better.

Mr. Benton said, he preferred the motion as it stood; but if gentlemen thought it would create difficulties, he would withdraw it, and they could offer it in a form modified to suit their views.

Mr. Grundy then offered the motion amended as he had suggested.

Mr. Wright said, in its present shape, the provision would countenance the emission and circulation of the notes of the

Chesapeake and Ohio Canal—the Washington and Baltimore Railroad Company, &c.

Mr. Buchanan suggested a modification, by inserting the word "other" before "bank," and striking out "District of Columbia;" which was agreed to, and the amendment then read in the following words:

Upon condition that neither of said banks shall issue and pay out the notes of any other bank, banker, banking institution, or corporation, which is in a state of suspension or non-payment of its liabilities in specie.

The question on this amendment was taken by yeas and nays, when there appeared for it 25, against it 17; Mr. Buchanan voting in the affirmative.

Mr. Allen then moved the following:

Provided, also, that each of said banks shall, immediately upon the taking effect of this joint resolution, commence and continue the resumption of its notes in gold and silver coin; and that, in case either of said banks shall neglect or refuse to comply with any one of the conditions in this joint resolution, the charter of said bank shall immediately cease to exist, and all contracts and other acts thereafter made or done by or in behalf of such bank shall be null and void.

On this question the yeas and nays were demanded, when there appeared for it 14, against it 29; Mr. Buchanan voting in the negative.

Mr. Benton moved further to amend by inserting:

And upon the further condition that the said banks, nor either of them, shall take a stay of execution on any judgment recovered against them in any case whatever, nor appeal from any such judgment, nor take a certiorari thereon, except on an affidavit of merit.

Mr. Benton said that when he first came here after the suspension, individuals were paying 12½ per cent. discount on their bank paper, and he asked them why they did not sue the banks and obtain judgment. He was informed that when notes were put in suit, the banks would take the advantage of the stay laws that were in operation, by which they could keep the owner out of his money for six months. This, with lawyers' fees, &c., was generally more than the note was worth, so that the poor man, who was the owner of a five or ten dollar note, actually had no remedy, though the laws professed to give him one.

After some remarks from Mr. Merrick in opposition, and Mr. Clay of Alabama in favor of the amendment,

Mr. Buchanan said: It is out of all character for a bank, after forfeiting its charter, and after suffering judgment to go

against it for non-payment of its notes, to take a stay of execution. It is certainly enough for us to continue their charters for two years without giving the banks a stay of execution for six months when sued on their notes. If I had known that any such practice existed here as that spoken of by the Senator from Missouri, I would myself have offered this amendment if he had not done it.

Mr. Southard could see no more impropriety of a bank taking advantage of existing laws, than of an individual doing so. If we passed this amendment, its operation would be unequal, and would make one law for the banks and another for individuals. Besides, what evidence had we of the fact that the banks took advantage of these stay laws? He did not believe there was any stay of execution in the District at the instance of the debtor, and he demanded the proof. He would not take the allegation of A B, or C D, that such and such things were matters of fact. It was not the kind or character of information that we, as legislators, should act upon.

Mr. Buchanan expressed his astonishment at the principle which had been contended for by the Senator from New Jersey [Mr. Southard.] He thought that after a little reflection that gentleman would himself abandon this principle, well acquainted as he was with the subject of banking. What was his position? That it would be unjust to refuse to the banks the same stay of execution, after judgments had been obtained against them, which was granted to individuals. Is there not, said Mr. B., the most striking reason for such a discrimination? Is there not a vast difference between the two cases?

To the banks we have granted the privilege of issuing and circulating a paper currency. Bank notes always are, or at least always ought to be, payable on demand; and under our present banking system are, everywhere in this country, a substitute for money. These notes circulate upon the faith that they shall at all times be convertible into gold and silver. It is true that this faith has been often violated, and will continue to be violated, unless the States shall radically reform their banking institutions. The principle, however, remains the same. A poor man, then, has received a ten or a twenty dollar note as money, in compensation for his labor, and goes to the counter of the bank and asks that it shall be redeemed in gold and silver. The bank refuses to comply with its promise, and the holder of the note is put to the trouble and expense of instituting a suit against it, and obtain-

ing a judgment. Would it not be the most monstrous injustice to allow this bank to avail itself of the ordinary privileges granted to individuals, of staying execution for three or six months? He thought he might venture to assert, without positive knowledge, that there was not a single State in the Union where such a privilege was extended to banks. Certainly it ought not to exist anywhere.

The case was wholly different in regard to judgments obtained by one individual against another, or by banks against individuals, to enforce private contracts. In such cases these contracts were voluntary, and each party derived, or thought he derived, a benefit from them, and the evidence of debt was not a paper currency. But bank notes circulated in the community as money, and every person by the force of circumstances was compelled to accept them as money. It was a great and profitable privilege conferred upon the banks to be permitted to issue them; and this was granted upon the express condition that they should always be redeemed in specie. Under such circumstances, after the banks have refused to redeem their notes according to their contract, and have compelled the holders to institute suits and obtain judgments, it would be a most unjust and extraordinary privilege to grant them a stay of execution.

This bill proposes to continue these banks for two years, unless Congress shall, in the mean time, otherwise direct. Even during this limited period, we wisely reserve to ourselves the power of blotting them out of existence at any moment. The bill is a measure of necessity, not of choice. For my own part, I have often expressed the opinion that these six small banks ought never to be rechartered within this District of only ten miles square. They have no field for circulation, and no deposits sufficient to enable each of them to realize a fair profit on their capital, and at the same time keep themselves in a sound condition. We ought to establish one respectable bank here, with branches in Alexandria and Georgetown, and subject it to all the restrictions which our fatal experience on the subject has manifested to be absolutely necessary. It is admitted, however, on all hands that Congress have not time, at the present session, to mature and pass such a bill; and if they had, it is a most unpropitious period to create such a bank. The only alternative then left, is either to continue the existence of these little banks for a short period, or to destroy them at once, and subject their debtors to the immediate pressure which this course would render neces-

sary. I prefer to continue them under an express understanding, so far as I am concerned, that they shall never exist, under any circumstances, one day beyond the 4th July, 1842. I intend to move an amendment to this effect. This is but a mere temporary expedient, in order to give us time to establish a new bank, on wiser and better principles, without oppressing the debtors of these institutions.

I am influenced in adopting this course by the consideration that the surrounding States of Maryland and Virginia, of which this District formed a part, and with whom it is intimately connected in all transactions of business, have not thought proper to forfeit the charters of their banks, because of their suspension of specie payments. In acting with a spirit of forbearance towards the District banks, I should not in any degree legalize their suspension. This bill proposes to do no such thing. It leaves them in this respect just where it found them, liable to be sued for specie at any moment by their note holders and depositors, and subject to the payment of twelve per cent. interest. But it would, to a considerable degree, be legalizing this suspension, if we were to permit the banks, after a judgment obtained against them, to take the benefit of a stay of execution. During this period of the stay, they could, under the existing law, place their creditors at defiance. We now propose to deprive them of this extravagant privilege; and so firmly am I convinced of its injustice that for one I shall vote against the bill and leave these banks to their fate, unless the amendment shall be adopted. Until this day, I had never been informed that, under the laws of the District, the banks were entitled to the same stay of execution with individuals.

[The question was then taken on the amendment, and it was agreed to—ayes 29, noes 11, Mr. Buchanan voting in the affirmative.]

Mr. Buchanan then moved to insert, "For the purpose of winding up their affairs."

Mr. Allen rose, he said, to ask the Senator from Pennsylvania what effect he intended this amendment, if adopted, to produce? Does he intend to restrict the banks to the settlement of their business already begun? or does he intend, notwithstanding this amendment, that they may proceed, as formerly, with all the business of banking, as if this amendment did not exist?

Mr. Buchanan said he did not intend at once to arrest all banking operations in this District, under the peculiar circumstances in which it was placed, without providing any substitute for the existing banks; but it was his fixed purpose never to vote

for any further extension of their banking privileges beyond the two years. He desired, therefore, to express this clear intention upon the face of the bill, so that the banks might have fair notice of the purpose of Congress, and proceed in such a manner as they thought proper to wind up their affairs within the limited period.

Mr. Allen rejoined. Then the amendment amounts to nothing, as it *does* not *restrict* the banks, and *cannot* restrict a future Congress. It is, therefore, worse than useless, for its effect will be to delude the country, inasmuch as the amendment professes to restrict the banks to "the *purpose* of *winding up*," but not to restrict their action to that object; but on the contrary, instead of *winding up*, they are to be at liberty to *wind out* their business still further than it is now—so that at the end of the two years, their claim to still further time to "*wind up*," will be increased in exact proportion to the increase of their business, under the present bill, authorizing them to wind up. I say, therefore, that the effect of this amendment is to mislead the people as to the true character of this bill, which, whether the amendment be adopted or not, is simply a bill to recharter non-specie paying broken banks, without requiring them even to pay their notes—the first bill I believe of the sort that ever, in the history of the world, received the sanction of a legislative body.

The amendment was lost—ayes 17, noes 17.

The following is the bill as ordered to be engrossed:

An act to continue the corporate existence of the banks of the District for two years, with certain restrictions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charters of the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the 4th day of July, 1842, unless Congress shall in the mean time otherwise order and direct, upon condition that neither of said banks shall issue and pay out the notes of any other bank, banker, or banking institution, or corporation, which is in a state of suspension or non-payment of its liabilities in specie; and upon the further condition that the said banks, nor either of them, shall take a stay of execution on any judgment recovered against them in any case whatever, nor appeal from such judgment, nor take a certiorari thereon, except on an affidavit of merit.

Mr. Clay of Kentucky said, that, since Congress could not legislate thoroughly at the present session, and place the banking system on a stable and satisfactory footing, all that he thought

should be now done, was to continue the existing charters for one or two years; and, in the intervening time, Congress could make a permanent arrangement. He was utterly opposed to treating the District and its banks as a subject for experiment, and to throwing those little institutions into a sort of crucible to discover the philosophical or political phenomena which, when exposed to that test, they might exhibit. He thought such a course unworthy the legislation of a great and magnanimous nation; and might expose Congress to the imputation that, since it could not reach the banks of the States, it would exercise its vengeance on the banks of the District.

Mr. C. thought a temporary continuation of the banks, without condition or restriction, is all that should now be done. He had therefore voted against the amendment which prohibited the banks from paying out, after receiving, the notes of banks situated without the District. The notes of the banks at Richmond or Baltimore are quite as good as the notes of the District banks. And the operation of such a prohibition will be upon the debtors of the banks, and not upon the banks themselves. Upon the debtors themselves it will operate severely. For if the banks are not allowed to pay out, they will be sure not to receive the notes of distant banks.

He was also opposed to the amendment offered by the Senator from Pennsylvania, [Mr. Buchanan.] The amendment will accomplish, practically, nothing. It requires the banks to prepare, by winding up their affairs, for a termination of their charters, at the expiration of the period to which they are to be prolonged; but it makes no adequate provision by which the banks will be compelled to perform that duty. With respect to the object at which the Senator aims, that of establishing a single bank for the District, to be placed in Washington, with branches in the other two cities, Mr. C. concurred entirely with him. According to his (Mr. C.'s) observation, those banking systems worked best in the several States, which consisted of two or three large and respectable banks, with branches conveniently located, instead of a multitude of small banks having no necessary connection with each other. And whenever there was definitive legislation upon the banking system of the District, he hoped it would assume that form.

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Mr. Buchanan had but a few words to say in reply to the

Senator from Kentucky [Mr. Clay.] He would add nothing to that which he had already said in favor of the amendment to prohibit each one of these banks from paying out the notes of any suspended bank except its own. He thought it would prove to be a most wise restriction.

In regard to the amendment which he had proposed, declaring in express terms that the temporary continuance of these charters was for the purpose of enabling them to wind up their concerns, he had but one observation to make. He had accomplished the purpose which he had in view by proposing the amendment. All doubt was thus removed from his own course in relation to this subject. He regretted that his amendment had not prevailed, because it might inspire the banks with hopes which he believed never would be realized. It is true that a future Congress might be of a different opinion, and one Congress could not bind another; but yet that was no good reason why the present Congress should not express its own determination by its own legislation.

TO MR. M'CALLISTER ET AL.[1]

WASHINGTON 23 June 1840.

GENTLEMEN:—

I feel greatly honored by your kind invitation to unite with the Democracy of Centre County in the celebration of the approaching anniversary of Independence; and I most sincerely regret, that without abandoning the post of duty here, at which the people have stationed me, I cannot enjoy the pleasure of being with you on that ever memorable occasion. It is now certain that Congress will not adjourn before the middle of July.

You will please to accept my thanks for the kind manner in which you refer to me as "the advocate of a stable currency." I should rejoice that every citizen of Pennsylvania could be made as deeply sensible as you are of "the evils the community are suffering from unrestrained Banking." It is this which periodically ruins our Manufactures, crushes industry, bankrupts our most enterprising citizens, deprives labor of its employment & its reward, and covers the face of the country with a depreciated & irredeemable paper currency. Our Banking system must be

[1] Buchanan Papers, private collection.

radically reformed, or we are destined, periodically, after short intervals of delusive prosperity, to suffer, again & again, the very same calamities which we are now enduring. I regret, most deeply regret, that the Legislature of Pennsylvania had not, at their last session, embraced the most favorable occasion which has ever been presented of imposing salutary restrictions on the Banks. The time was most propitious; and the Governor, in his annual message, had made several excellent suggestions upon the subject & had urged it, in the strongest terms, upon the attention of the Legislature.

But we must not be discouraged by one defeat or by a hundred. The Democracy & the Banks are now engaged in a desperate conflict on this question; and we must deprive these Banks of their destructive privileges & confine them to their legitimate business, or they will continue to be the masters of the people, instead of their servants,—their destroyers, instead of their useful agents. The Democracy never can & never will abandon the principle of Bank reform, without first abandoning their own principles. It ought to be inscribed with the names of Van Buren & Johnston upon all our political banners during the present contest. We ought never to suffer our attention to be diverted from it for a single moment, until the great work shall be accomplished.

But reform, radical reform & not destruction ought to be our motto. The Democracy of Pennsylvania are eminently practical in their principles, and they know that it would in the present condition of the country be impossible to suppress the circulation of all Bank notes of every denomination & return to an exclusive metallic currency. Even if this could be accomplished, it would grind the debtor to the dust by doubling the value of what he owes to his creditor. It would thus serve to make the rich richer, and the poor poorer. Besides, it would in effect double the present enormous burden of our State debt. We are, therefore, reformers, not destroyers. We are determined to enjoy the advantages of well regulated specie paying Banks, without being cursed by the evils which the present unrestricted system of Banking periodically inflicts on the people.

In conclusion, permit me to offer you the following sentiment. A radical reform in our Banking system;—which shall require the Banks always to keep on hand a reasonable amount of gold & silver in proportion to their circulation & deposits;—shall prohibit them from issuing notes, at the first, under the

denomination of ten & afterwards of twenty dollars;—and above all, shall make any future suspension of specie payments an instant and irreversible forfeiture of their charters.

Yours very respectfully

JAMES BUCHANAN.

H. N. M'CALLISTER
JOHN R. HEARD &
SAMUEL D. MILES ESQUIRES
Committee &c.

REMARKS, JUNE 26, 1840,

IN FAVOR OF PRINTING EXTRA COPIES OF THE REPORT OF THE SECRETARY OF THE TREASURY.[1]

Mr. Buchanan hoped the largest number of copies, five thousand, would be printed. This was one of the most important of the documents transmitted to Congress, and he found that it was more called for than any other. His supply had not been sufficient to meet the demand made on him for it. It was important, too, that the country should be furnished with the valuable information contained in this document at this time; for, next year, Congress would be called on to adjust the tariff, and their constituents should be able to understand more fully the important questions that would come before them.

Mr. Davis could see no propriety in printing a large number of this document. The extra number usually printed had been fifteen hundred. Two or three years ago, it had been increased to two thousand; and last year, by some means or other, he could not tell how, five thousand had been ordered. He thought two thousand copies were amply sufficient, and any amount over that number would be superfluous, and of little service to any body.

Mr. Buchanan would just observe, that in the State of Pennsylvania there were sixty counties, and he thought that at least one copy should go to each county in all the States. Besides, there was not a leading merchant in Philadelphia not anxious to get a copy, and the same might be said in relation to the manufacturers of Pittsburg. He was generally averse to printing a large number of extra copies of the documents laid before them,

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 487–488.

but this document was an exception. They had heretofore printed extra numbers of documents which were comparatively unimportant. This document, as he said before, contained more valuable commercial and manufacturing information than any other, and yet they were to be restricted to 2,000 copies.

Mr. Walker expressed the hope that 5,000 copies would be printed. It was an exceedingly important document, and ought to be disseminated. He wished to send one copy to each editor in his State.

The question was then taken on printing 5,000 copies, and decided in the affirmative, without a division.

REMARKS, JULY 3, 1840,

ON A REPORT ON THE NORTHEASTERN BOUNDARY.[1]

The resolution submitted by Mr. Ruggles on Wednesday, requesting the President of the United States to communicate a copy of the British report and survey on the subject of the Northeastern boundary, was taken up for consideration.

Mr. Buchanan hoped that the Senator who introduced this resolution would permit it to lie over until Monday. In the mean time he would procure the map and document from the committee on Foreign Relations of the House, to which it had been transmitted after examination by the committee of the Senate, when it would be accessible to the Senator from Maine and every other Senator of the body. The delicacy of adopting the resolution consisted in this: whether we should publish in this country, and by the order of this body, a document which had been transmitted to the Executive of this country from a feeling of courtesy by the British Government, before it had been published or even transmitted to Parliament by that Government.

Mr. Ruggles said he did not ask the adoption of this resolution for his own gratification, but he considered it a matter of vital importance to his State, and one on which they had a right to have all the information in our power to give.

Mr. Buchanan replied that it was no secret communication at all; but it was a document which the British Government said that they had not yet laid before Parliament, nor taken any

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 503.

action upon; and it was communicated to us in that way simply as an act of courtesy. He did not know that there would be any great objection to laying it before the Senate; but he spoke with knowledge when he said that many times, and oft, the Government of the United States had been prevented from receiving important information from its agents abroad, because of the knowledge that it would be made public. Now in this case he would communicate this document to the gentleman with the greatest pleasure; it had already been communicated to the committee of the other House, and he should have every opportunity to examine it. Mr. B. hoped that the resolution would be laid on the table until Monday.

Mr. Allen said there was a manifest impropriety in adopting this resolution, especially as the action of the Senate, even so far, on this map and report, would give them a sort of sanction which ought not to be given them, while it was known that they had not been accepted by the British Government, and no intimation had been given that they would be adhered to. Mr. A. therefore moved to lay the resolution finally on the table; but, on its being observed that Mr. Buchanan had left the Senate, and might wish to say something further on the subject on Monday, Mr. A. withdrew his motion, and,

Mr. Ruggles assenting, the resolution was accordingly laid on the table until Monday.

REMARKS, JULY 11, 1840,

ON A PROPOSED APPROPRIATION FOR DRY DOCKS AT NEW YORK AND PENSACOLA.[1]

Mr. Tappan then moved to strike out that part of the bill making appropriation for dry docks at New York and Pensacola.

Mr. Buchanan supported the motion.

Mr. Clay of Alabama and Mr. Wright opposed it.

Mr. Buchanan would say a few words in reply to the Senators from Alabama and New York, [Messrs. Clay and Wright.] The Senator from Alabama contended that this was the mere appropriation of a sum necessary to make surveys at New York and Pensacola, for the purpose of ascertaining the utility and practicability of constructing dry docks at those places.

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 522.

Was that the fact? Certainly not, according to the language of the bill. There was $95,000 appropriated at each place absolutely, and a portion of it was to be expended before the first of March next in making surveys. The appropriation was absolute; and the Congress of the United States would never hear of this subject again till the sites were fixed and a portion of the money expended. Now would it not be right, before making this important appropriation, that they should make the surveys? Shall we now, said Mr. B., in a blind confidence in the Navy Department, or any other Department of the Government, declare that we should be bound by their decision; and that as soon as *they* are satisfied of the practicability of establishing dry docks at New York and Pensacola, that they should go on and construct them without further direction from Congress? That was the question, and the only question. Where was the necessity for this haste? No doubt a dry dock was necessary at New York, and also at Pensacola; but let such necessity be demonstrated, and at the next session of Congress, with all the information before them, it would be time enough to appropriate the amount sufficient to construct them. What was the state of the Treasury now? Why, they had to borrow money to defray the ordinary expenditures of the Government, but, in the course of the next session of Congress, things might grow better or worse. By that time the surveys would have been made and laid before them, and Congress could then be guided wisely by the state of the Treasury. But here was an appropriation to be expended before the end of the next session of Congress, except the sum necessary for preliminary surveys. Was that wise legislation? He considered New York and Pensacola in the same situation. Nothing could be done before the next session of Congress but fixing the sites. Beyond that he was not willing to go. The Senator from New Hampshire [Mr. Hubbard] was willing to make an ample appropriation for that purpose, and for that he should vote; but he could not conceive any case in which he would be willing to place in the hands of the Executive the power of determining whether such works should be constructed, and so large an amount of money be appropriated, without the further action of Congress. He objected to the principle involved, and if there was but one Senator to join him, he would oppose it.

The question was then taken on Mr. Tappan's motion, and decided in the affirmative—yeas 21, nays 19.

REMARKS, JULY 16, 1840,

ON BANKS IN THE DISTRICT OF COLUMBIA.[1]

Mr. Buchanan said he had hoped yesterday that he should ot feel himself obliged again to address the Senate in relation o these District banks. He would not now utter one word upon he subject if it were not palpable that this bill to continue the orporate existence of these banks, after having yesterday been ngrossed by a triumphant majority, was destined to-day to be efeated on its final passage. This was to be accomplished by a nion of the two extremes. The enemies of a speedy resumption f specie payments would combine in their votes with the friends f an exclusive hard money currency; and we, who are in favor f moderate measures, must certainly be in the minority.

For my own part, said Mr. B., I never considered this as a uestion involving any great general principles. I was, therefore, ntirely willing, as my votes will show, to continue the existence f these banks for a short period, and until we could establish a ew bank or banks for the District upon any reasonable terms. Senators have, I think unjustly, treated this question as if it were proposition to extend these charters during a considerable eriod of time, when it is nothing more than a mere temporary neasure, justified by the existing peculiar circumstances of the District. These banks, as banking institutions, are already dead. Their charters all expired on the 4th day of July; and Congress ave already passed a law providing for the manner in which hey shall wind up their affairs.

Now, sir, what is the bill before us? We propose to con- inue their banking privileges until the 4th July, 1841, and no onger;—immediately, in favor of those which have already ommenced the payment of specie, and at any time within sixty lays, in favor of the remainder of them, if they shall resume vithin that period. These banks, under the present bill, can ntertain no hope that their charters will ever again be extended. The present Congress will expire on the 4th day of March next, nd their banking privileges will expire on the 4th day of July ollowing, when Congress will not be in session. This will be he last limit of their existence; and from and after that day they nust commence winding up their affairs under the act which we ave already passed.

[1] Cong. Globe, 26 Cong. 1 Sess. VIII., Appendix, 735–738.

In addition to this, the bill restricts them during this short period, from paying out any notes except their own; renders the president, directors, and stockholders, liable to the amount of their stock for debts hereafter contracted; and prohibits them from declaring any dividend whilst in a state of suspension, should that again occur before the 4th day of July next.

Under all these restrictions, I confess I cannot feel the force of any argument against this bill, founded upon the principle that these terms are too favorable to the banks. I can never refuse to vote in favor of this measure on any such principle.

As a practical man, I can have no difficulty in giving this bill my support. We are now legislating for a small district of ten miles square, carved out of Maryland on the one side and Virginia on the other; and what is unfortunate, the charters of all its six banks have expired on the same day. In what situation am I then placed? I know nothing of these banks; care nothing for them, except the general good will which I bear to the people with whom I have been long associated; and shall certainly never receive a favor from any one of them. I believe, from the report of the committee in 1836, that some of them have behaved badly. But, after all, I must be governed in my vote by the peculiar circumstances of the case. Alexandria is a city which exports largely, and where the farmers of the valley of Virginia send their produce to market. Georgetown is in a similar situation. As to the city of Washington, I confess I can see no reason why it should have a large banking capital. But here we are, acting as the local Legislature of this small District; and is it right at once to deprive these people of all banking privileges? I think not; and I shall most cheerfully extend these privileges to the existing banks one year longer. Now let us suppose that the State of Maryland, or the State of New York, or any other State, were placed in a similar situation. Suppose it had so occurred that every bank charter in any State had expired at the same moment. Would the Legislature of such a State (no matter how hostile it might be to the banking system generally) determine that all these banks should at once be compelled to wind up their affairs, no matter how prejudicial it might be to the community? Even those who are hostile to all banks, which I am not, ought to adopt no sudden and violent course which might produce disastrous consequences to the people, in accomplishing their object. Two years ago I was not in favor of extending these charters. I should at that time have greatly preferred the establishment of

a new bank; but as this was then deemed impracticable, on account of the suspension of specie payments, I yielded to the necessity of the case, and voted for the bill of the Senator from Missouri, [Mr. Benton,] because I regarded it as the less of two evils. It is now admitted by all, that during the short remainder of the present session, we cannot establish new banks, and I am willing to adopt a similar course for the very same reason by which I was actuated on that occasion. I am not prepared to say to the merchants of Alexandria and Georgetown, who have been in the habit of purchasing flour, corn, and tobacco, from the surrounding country, we will cut you off at once from bank accommodations, and you shall not have your usual loans for making these purchases. Now, if I could have regulated this matter for myself, without the interference of the banks, I should have extended these charters for a year; and without sanctioning the suspension of specie payments, I should have prohibited them, whilst in a state of suspension, from paying out any except their own notes, and from making dividends; and I should have afforded to every note holder, who desired to recover specie, with the twelve per cent. interest to which they are subject, the most prompt and efficacious remedy to enforce his claim. Whilst I should have been willing to adopt this course, I could never have voted for the amendment of the Senator from Maryland [Mr. Merrick] sanctioning their suspension of specie payments for so long a period as until the 15th January next, or until the banks of Baltimore and Richmond might think proper to resume. But the District banks have made the law for themselves. Several of them have declared both their ability and their willingness to resume specie payments immediately; nay, some of them have actually resumed; and thus, by their own conduct, they have prevented me from voting for any extension of their charters except upon the express condition that they shall be specie paying banks. When they themselves say they are ready and willing to resume, how can any person expect me to answer: "You are neither ready nor willing, and you must have time for this purpose." I am forced to take them at their word; and never shall incur the responsibility of advocating a protracted suspension of specie payments against the solemn declaration of the banks themselves.

I am, therefore, prepared to extend these charters for one year; not to benefit the banks, but for the purpose of placing the people of this District, so far as I can, on an equal footing with

the people of Virginia and Maryland, by whom they are surrounded.

If you should not pass this bill, I shall venture to predict that in less than a fortnight bank agencies will be established in this District by suspended banks in Philadelphia, Baltimore, and Richmond, and you will thus be instrumental in establishing a much greater evil than that which you are now desirous of preventing.

I have witnessed in the course of my legislative career some strange things; but I confess I have never been more astonished in my life than at the course this bill has taken. It will be defeated by a most marvellous union of hostile elements. Those who, with my friend from Mississippi, [Mr. Walker,] are friendly to an exclusive metallic currency, will vote against it; and those who, I might say, are in favor of an irredeemable paper currency, will also vote against it; and therefore it must be rejected.

And why should any Senator who is not opposed to all banks in all forms, vote against this bill? It contains no compulsory feature, but leaves the banks entirely free to exercise their own discretion whether they will accept its terms or not, and allows them sixty days to make this decision. If they should not accept the terms proposed by the bill, they will then remain in precisely the same condition they are at present.

That all the banks in this District, with a single exception, will accept these terms, I entertain not a doubt; but whether or not, I think we should pass the bill, and impose the responsibility of rejecting it upon them, instead of assuming it ourselves. I was called out of my seat yesterday by a gentleman who stated to me that the banks, or a majority of them, were not only willing, but anxious to accept the present bill, and desired me to state this fact to the Senate. I informed him that I should make no such statement founded merely on a private conversation; that the terms of this conversation might be misapprehended by either of us at the present time, or might be forgotten at a future day; and it was, therefore, always dangerous to rely upon verbal communications upon important subjects: that if the banks really desired that this bill should pass, and their wishes were made known to me in a written official form, it would afford me great pleasure to make them known to the Senate. This gentleman then left me, and in a short time returned and placed in my hands the written declaration of three of the presidents of these banks,

which I shall now read. These declarations have been written at the end of a printed copy of the bill itself, and are as follows:

The above bill is certainly better than none. Some of the provisions are very harsh. I prefer this, however, to having no bill.

W. A. BRADLEY,
President Patriotic Bank.

I concur in the above, preferring that the third section should be stricken out, as unjust and injurious to stockholders. We at this institution would decidedly prefer this bill to having none.

Bank of the Metropolis, 15th July, 1840.

JOHN P. VAN NESS, *President.*

I concur in the view of the bill, as stated by Gen. Van Ness.

J. KURTZ,
President Farmers and Mechanics Bank of Georgetown.

Georgetown, July 15, 1840.

In addition to these declarations, a letter from General Van Ness was handed to me this morning by a gentleman with whom I am not acquainted, which I shall also read. Here Mr. B. read the following letter:

WASHINGTON, July 16, 1840.

THE HON. JAMES BUCHANAN:

DEAR SIR: Five of the presidents of the banks of this District met this morning. Three of them agreed according to the enclosed paper, signed by them. The other two expressly pledged themselves not to oppose or object to the passage of the bill; and if it could be so amended as to strike out the third section, it would then be satisfactory to them also.

With high consideration,

Your most obedient servant,

JOHN P. VAN NESS,
President of Bank of Metropolis.

A duplicate of the above, and of the within, have been sent to Mr. Merrick.

The paper to which General Van Ness refers, is one similar in its character to those which I have already read from the three presidents of the banks; and therefore I shall not trouble the Senate by reading it.

Now, sir, the responsibility of accepting or rejecting the present bill, is to be removed from the banks. They are not to be permitted to decide this question for themselves; and for what reason? The Senator from Maryland [Mr. Merrick] has declared that he will not permit these banks to commence the payment of specie, because this would prove oppressive to the people of the District, and "I will not," says he, "go for it, even if the banks want it." I quote the very words of the Senator.

[Mr. Merrick here explained; but the Reporter has taken no note of the explanation, and cannot furnish it from memory.]

Mr. B. resumed. I understood the Senator perfectly; and shall in a few moments speak of the points to which he refers. But the facts are these, and I wish that the attention of the Senate and the country may be fixed upon them. There are three of these banks willing to accept the bill as it now stands; and two of the others, which have voluntarily pledged themselves not to oppose or object to its passage, and have declared, that if the third section could be stricken out, it would then be satisfactory to them also; and, notwithstanding, the Senator says: "I will not go for it, even although the banks want it." I surely state his proposition fairly.

We have now reached a new point in this war of the money power against the people. Hitherto, unfortunately, my controversy has been with those of my own political friends, such as the Senator from Mississippi, [Mr. Walker,] who are exclusive hard money men; but the question now distinctly presented, and which no human ingenuity can change, is between the advocates of a redeemable and the advocates of an irredeemable bank currency. This is the question, and the Senator from Maryland [Mr. Merrick] cannot escape from it. On this subject he is so extravagant that he refuses even to permit the banks to judge for themselves whether they are now able, or shall be able within sixty days, to resume specie payments. It is the terrific idea of bank resumption, under this bill, which has so alarmed the Senator, that he opposes it, whether the banks themselves are willing to resume or not. He will not consent to place this question at their own disposal.

We have truly reached a new crisis in this important contest. In every case heretofore, the banks have always urged an extension of the time for resumption, and have always declared their inability to resume at an earlier period than they themselves had indicated; and, unfortunately, the State Legislatures have generally yielded to such suggestions. This is the first instance in the history of the country where the banks have been willing to accept an extension of their charters upon the condition of immediate resumption, and the legislative body has interposed its veto to prevent the banks from redeeming their obligations in gold and silver. We say to them, in effect, "You are too reckless in regard to your own interest and that of the community, in undertaking to pay your honest debts, and it is necessary that we should

press your ardor. Such a course would prove so injurious to e people of the District, that we shall compel you at once to ind up your affairs altogether, rather than grant you an exten- on of your banking privileges on any such terms."

Suppose this question could be transferred to the Legislature Maryland, what do you suppose would be the result? One lf of the banks in Baltimore, and throughout that State, come rward and offer to accept an extension of their charters, on the press condition of immediate resumption. They say, we are th able and willing to pay specie. Would any State Legislature the Union, under such circumstances, say to them, you must t adopt this destructive measure? Although we desire to tend your charters, yet it is better that you should be destroyed ogether, as banking institutions, than to grant you the danger- s permission to resume specie payments whilst the surrounding ates, and one half of the banks in this State, still continue sus- nded. Should you pay your debts in gold and silver, as the nstitution and laws require you to do, you will entail misery d distress both upon yourselves and the people. Are not the o cases precisely parallel? The distinguished honor has been served for Congress of refusing to the banks the permission ich they ask to resume specie payments.

I had always supposed that one of the greatest calamities ich could be inflicted upon the people of any country, was that being cursed with floods of irredeemable paper, banishing gold d silver altogether from circulation. This has never been stified by statesmen or politicians, except on the ground of solute, uncontrollable, irresistible necessity. But here no such cessity exists, because three of these banks have not only eady resumed the payment of specie, but have declared to the rld their willingness and their ability to continue to redeem eir notes in gold and silver; and it is evident that the two banks Alexandria will resume before the end of sixty days, should e present bill pass.

What is the true cause of this extraordinary proceeding? I ink there will not be much difficulty in conjecturing. It is an tempt (and I mean neither to charge nor insinuate any thing proper against the Senator from Maryland) to carry the prin- ple into practice here which produced the present suspension specie payments throughout a large portion of the Union. It an attempt to play the game over again upon a small scale, ich was played upon a large scale in favor of the Bank of the

United States. In order to save that Bank from immediate bankruptcy and ruin, the people of this country have been compelled to submit to a suspension of specie payments ever since October. The strong banks voluntarily reduced themselves to the same level with the Bank of the United States; and they suspended simply because that Bank could no longer continue to pay specie.

At the commencement of the suspension under which we are now suffering, there was no foreign demand for gold and silver. The rates of foreign exchange were not against us. There was no drain of specie from this country to Europe. Every thing in the State of Pennsylvania was calm as a summer's morning; and the suspension surprised us as much as a clap of thunder from a cloudless sky.

At the meeting of the banks in Philadelphia, nine voted against the suspension, whilst five only, including the Bank of the United States, voted in its favor. In the face of this vote, that Bank suspended on the next morning, and in order to save it from immediate ruin, all the other banks followed its example, and were willing to share its fate.

The Bank of the United States, instead of preparing for a speedy resumption, by contracting its issues, took advantage of the suspension, for the purpose of expanding them. The Senator from Missouri [Mr. Benton] has informed us that it sent its agents throughout the West loaded with its irredeemable notes, for the purpose of capturing the specie with them. Such was its miserable condition, that it was compelled to obtain specie in this manner to send abroad for the purpose of paying its foreign debts. The notes of this Bank became the chief medium of circulation in Philadelphia and throughout many portions of the country. The other Philadelphia banks, after having suspended to save it from bankruptcy, could not discredit its notes by refusing to receive them on deposit, and in payment of debts. In this manner it soon became so largely indebted to them, that, although they were not under the necessity of suspending specie payments at the first, they were soon reduced to such a condition that they could not have resumed had this been their desire. The Bank of the United States, by the process which I have just described, had reduced them to its own level, and placed them in such a situation that they could not resume until it should be able to pay the balances which it owed them in specie. Thus the country suffered and the bank was saved.

Now how does this statement of facts apply to the present ase? There is but one bank in this District which is opposed o the passage of the present bill; and I do not intend to make ny insinuation against its eventual solvency. Far from it. It as expanded its issues to such an extent that, unlike the other ive banks of the District, it is unable at the present time to esume the payment of its liabilities in specie. I cannot ascertain o what extent it has expanded, because we have no recent return f its condition before us; but so far as my information and bservation have extended, its notes constitute a very large ortion of the circulation in this District. In that respect it bears close resemblance to the Bank of the United States in Phila- elphia. In my opinion, it is to save the character and credit of he Bank of Washington that the other banks will be refused the ower of accepting a charter on the condition of resumption; just s it was to save the Bank of the United States from immediate ankruptcy that the other banks of Philadelphia consented to ombine with it in suspending specie payments. The interest of ie country was disregarded in order that this Bank might be reserved.

It is this spirit of combination among the banks which is ne of the worst evils of our present very imperfect banking ystem. The object of these combinations is never to elevate the eak banks to the level of the strong, but always to reduce the rong to the level of the weak. This evil can only be corrected y an instantaneous, absolute, and irreversible forfeiture of the harter of any and every bank which shall hereafter suspend ecie payments; and by placing them at once in the hands of ommissioners for the purpose of winding up their affairs. The nstinct of self-preservation will then counteract this spirit of ombination, and prevent the strong banks from suspending ecie payments in order to accommodate the weak. The other dvantages which would follow the adoption of such a provision. shall not now undertake to enumerate.

Congress have now presented to them, by a strange concur- ence of circumstances, a most favorable opportunity of express- ig their opinion emphatically upon the subject of these combina- ons. By passing this bill, we can now offer to all these banks n extension of their charters, upon condition that they shall esume specie payments at any time within sixty days. Three of iem certainly, and two of them probably, will accept these terms. Ought we, then, to be deterred from granting this charter by an

apprehension that the Bank of Washington may not be able to comply with its terms? I hope it may be; but if it should not, it would be flagrant injustice to punish those banks which have conducted their business wisely and prudently, by refusing to grant them a charter, simply because one other bank has placed it out of its own power to embrace the provisions of the bill. Thus, to save the Bank of Washington, the people of this District will be doomed to a protracted suspension of specie payments, just as the people of the Middle, Southern, and Western States have been doomed to suffer the evils of suspension, to save the Bank of the United States from destruction.

But the Senator from Maryland is not willing to trust the banks themselves with this dangerous prerogative of paying their debts to the community on demand, according to the term of their contracts. To permit the banks to resume would, he contends, compel them to oppress their debtors. Now let us examine this objection, and ascertain whether there is any force in it. And first, let us suppose that it should compel them, in some degree, to bear hard upon their debtors, (which I do not believe,) would this be a good reason for preventing these banks from redeeming their notes in specie? The banks exercise the sovereign power of issuing paper money; and this paper money is almost the only currency in use among the people. No man in any kind of business can refuse to receive it. It is forced upon him by the circumstances of the country; and he must accept it, whether he will or not. Besides, this privilege of issuing paper money is a source of great profit to the banks. Now if there be a conflict of interests between the noteholders and the debtors of these banks, which of these two classes is entitled to our most favorable regard? The noteholders are by far the most numerous. They have been compelled to receive these bank notes as money, in the course of their business. They derive no profit from the banks. The depreciation of the notes which they held at the time of suspension was a dead loss to them. On the other hand, the debtors of the banks have received accommodations from them, which have enabled them to do a profitable business, or to embark in profitable speculations. Many of them are stockholders in these very banks. Under such circumstances, I would go for the community who hold the bank notes rather than for the men who have received bank favors. I should compel the banks to redeem the currency which they have put in circulation, even if it

should force them to exercise some degree of severity in the collection of their debts.

But I emphatically say that the resumption of specie payments, under the provisions of this bill, would not compel the banks which are willing to accept its terms to oppress their debtors.

And, in the first place, all the deposits which they have received in any bank paper except their own, since the date of the suspension, have been accepted by them under a special agreement that these deposits should be paid in similar bank paper. The present bill recognizes this agreement; and thus the whole amount which they have received on deposit in irredeemable paper is at once wiped away, without the payment of a single dollar in gold or silver. Thus their whole deposits—and these are generally the heaviest item of bank liabilities—will give them no trouble. They will not be compelled to oppress their debtors for the purpose of paying their depositors.

Then, in regard to their bank notes now in circulation. These banks have already enjoyed the benefit of a nine months' suspension. Some of them have been curtailing their issues, and contracting their business, and thus preparing for resumption. Three of them, at least, can pay specie for all their notes in circulation, even should the whole amount be demanded, which is not probable, and have a large surplus of gold and silver left on which to transact business. The most which can be said is, that they may not probably be able to grant many new accommodations to the public. Most certainly they will not be compelled to oppress their debtors for the purpose of raising specie to pay their noteholders. Besides, when we consider those debtors are in a great degree their own directors and stockholders, we need not fear that they will be oppressed without necessity.

But let me ask the Senator another question. Will there be any run made upon these banks by their noteholders after they shall have resumed specie payments? Does not every person perceive that the moment these notes are raised to the specie standard, and public confidence in the ability of the banks to redeem them is restored, all brokerage upon them will cease? Who buys the notes of the specie paying banks of New York? Make bank notes equivalent to specie in the public estimation, and the noteholder, unless for purposes of change, will never ask gold and silver from the banks. After he has tested their ability and willingness to pay, and has loaded himself with the silver received

in exchange for the notes, he will be very glad to take the weight from his back, and re-exchange it for these very bank notes. This feeling is strongly illustrated by an anecdote which I heard from an officer of one of these banks. He told me that, since they had resumed, an individual had entered the bank and demanded specie for several hundred dollars of their notes. These notes were promptly redeemed in silver. The man was thus satisfied that the notes were as good as the specie, and before he left the bank, he voluntarily returned the silver, and asked and received in exchange for it the very notes which he had brought to the bank.

There will, therefore, be no conflict of interest whatever between the debtors of such banks as shall accept the provisions of this bill, and of the community which requires a speedy resumption of specie payments.

But the Senator from Maryland says that it would be a great hardship on these banks to be prohibited from paying out the irredeemable notes of other banks. But does not the Senator perceive that if they were permitted to do this, their resumption of specie payments would be no more than a mere empty name? If they could transact all their business with the notes of non-specie paying banks, they would withdraw their own notes entirely from circulation, and leave the people of the District in a worse position than they already occupy. This would be merely a substitution of foreign irredeemable bank paper for the present paper currency of the District banks. If there must be an irredeemable currency in circulation, it is better, far better, that it should consist of the notes of these banks, with which the people are familiar, and in which they have confidence, than of foreign paper. Again, if any noteholder desires to exercise the right of compelling the banks of the District to pay specie for their notes, together with the twelve per cent. interest to which they are liable, he can do this at home; but if he holds a foreign note, the expense and trouble of a lawsuit with a distant bank will always prevent him from thus enforcing his rights. One of the greatest evils attending the present suspension of specie payments is, that the banks generally, as a matter of policy, pay out the notes of foreign banks instead of their own; and thus bank notes are made to circulate everywhere more extensively than at home.

But although this bill prevents the banks from paying out any notes except their own and the notes of other specie paying banks, it does not prohibit them from receiving the notes of

ıspended banks in the payment of debts. This, in justice, they ıght to do, whenever these notes are offered in payment of ans which were made in irredeemable paper; and this, in most ıstances, they would be glad to do whenever notes of the solvent anks of Baltimore or Richmond are offered in payment of individual debts. But I am asked, what use could the banks make of ıese notes, unless they were permitted to pay them out at their ounters? I answer, they can send them home to Baltimore or ichmond, deposit the amount to their credit, and draw drafts pon it in payment of the debts which they may now owe to oreign banks in a state of suspension. If there be still a balance ı their favor, they can demand interest for it; and if they do not ink proper to enforce payment at present, they will receive both ıe principal and the interest upon the general resumption of ecie payments. The District banks can, I have no doubt, get long very well for themselves under this bill, whilst they will reatly benefit the community.

But the Senator from Rhode Island [Mr. Dixon] says, we ight as well attempt to incorporate the paupers of the District ı the condition that they should pay specie, as to pass the present ill. As well attempt to incorporate the paupers as these banks, ho are now able to redeem their outstanding notes, and have a onsiderable surplus left in gold and silver! This is a wonderful roposition.

But he is also opposed to the bill because he believes that ıese banks will again suspend specie payment within the year uring which we propose to prolong their existence, and in that vent he thinks it wrong to deprive them of the power, as this bill oes, of declaring dividends. But is it unjust to deprive banks f the power of dividing profits among their stockholders whilst ıey refuse to pay their honest debts? No, sir: no. Under such ircumstances they ought to be compelled to husband all their esources in order to bring about the most speedy resumption. hey ought first to be just towards their creditors before they re permitted to be generous towards themselves. The stockolders, who receive all the profits of banking, ought to suffer ather than those to whom they honestly owe money. The bare tatement of the proposition is a sufficient answer to the Senator rom Rhode Island.

Now, in regard to the great stumbling block which appears o stand in the way of the two banks in Alexandria, and prevents ıem from yielding their cordial assent to the provisions of this

bill—what is it? The third section of the bill renders the stockholders of all these banks individually responsible, to the amount of their stock, for debts hereafter contracted during the period they may remain stockholders. This, I am informed, is already the law of South Carolina. It ought to be the law everywhere: and although I care nothing for this provision in the present bill, which is a mere temporary measure to endure but for a single year, yet in my own State, with my consent, no new bank shall ever be incorporated without a similar provision. What, sir, shall the stockholders, who have enjoyed all the privileges and profits of prosperous banking, be permitted to say to the poor man who has been compelled to take their notes, our bank has been so badly managed that it has now become insolvent, and we shall keep all we have got, whilst you shall receive nothing? This individual responsibility of the stockholders to the noteholders is one of the essential reforms required in our banking system. Its effect would in the end prove as beneficial to the banks themselves as to the community. If the stockholders were responsible, you would probably never witness another suspension of specie payments. It is they who elect the directors, and if responsible individually for the notes issued, they would take care that the bank should be conducted in such a prudent manner as to keep themselves out of danger. Self-interest would thus be interposed to secure the public. But what is the case now? Everything is conducted at hap-hazard. The stockholder knows that he can never be made individually liable for the payment of the notes issued by the bank. He is therefore satisfied if he can get his eight or ten per cent. per annum in dividends, with an occasional contingent dividend of fifteen or twenty per cent., and he pays no attention to the management of the institution. But let self-interest bring the question home to his own bosom, and he will be vigilant and cautious, and his whole conduct will be changed. Most certainly if a loss is to be incurred, it ought to fall upon those who have a direct control over the management of the bank and receive all its profits, rather than upon the innocent individual wholly disconnected from it, who has taken its notes in the course of his honest business.

I might remark, in regard to this provision of the bill, that in practice it would prove to be mere *brutum fulmen*, with which the banks of Alexandria ought not to be terrified. It is only the declaration of a general principle which can never be carried into execution without minute and carefully guarded legislation, in

which the present bill is singularly defective. If this bill were not merely intended to subserve a temporary purpose, it ought never to pass without many amendments. It not only omits essential provisions which ought to be inserted in any new bank charter, but the salutary principles which it asserts can never be carried into effective execution under its present provisions. The late hour of the session, and the hasty manner in which it has been got up, and the very short period during which it will exist, must be the justification for its imperfections. It is certainly the only bill which can now pass; and although I have manifested my willingness to accord to the banks more liberal terms, I have no doubt that every bank in the District, with perhaps a single exception, will gladly embrace its provisions, before the end of sixty days. Why should we refuse them the option?

I need not now reiterate what I have over and over again repeated on this floor, at successive sessions, ever since the question first arose, that I am opposed to an exclusive metallic currency, and that I support the reform and not the destruction of the banks. I desire to restrict them in such a manner as to convert them into useful agents of the people, instead of destroying them by their successive expansions, and contractions, and suspensions. I cherish the hope that, ere long, the State of Pennsylvania, which owes much to her sister States for the mischief she has done them by rechartering the Bank of the United States, will set an example worthy of their imitation by controlling and reforming her banks in such a manner as to make them blessings, instead of evils, to the whole country.

REMARKS, JULY 17, 1840,

ON AUTHORIZING THE PRESIDENT TO POSTPONE CERTAIN EXPENDITURES.[1]

The Army Appropriation Bill being before the Senate, Mr. Wright offered an amendment authorizing the President, in case the moneys in the Treasury should be insufficient to meet all the appropriations made by Congress, to postpone the expenditures for certain public works and supplies for which the bill provided.

The amendment provoked a long debate, in which Mr.

[1] Cong. Globe, 26 Cong. 1 Sess. VIII. 535, 536.

Southard, of New Jersey, strongly spoke against the amendment in all its phases, and especially deprecated the willingness manifested to give discretionary power to the Executive. "There is no danger, say gentlemen," exclaimed Mr. Southard. "That was the same siren song sung in Athens and Rome until liberty was lost."

Mr. Buchanan said: It seems we are in a most delicate crisis, and that the Republic is on the very brink of ruin. We are on a precipice and are just about to tumble into the yawning destruction beneath. We have arrived at the very point in our career, according to the opinion of my friend from New Jersey [Mr. Southard] where the Republics of Athens and Rome perished; and it would therefore be presumptuous in us to expect to survive much longer. He has informed us that the principle involved in this amendment is that which destroyed Athenian liberty and deprived Rome of her free Government. Whilst the Republic was thus threatened with ruin, strange to say, the Senators in fatal security sat unconcerned, reading their newspapers and writing their letters, utterly insensible of danger.

And what is this great danger? I have heard ruin to the Republic often predicted since I came into the Senate; but never with more force and earnestness than upon the present occasion. But is not all this "ocean into tempest wrought, to waft a feather or to drown a fly?" What is the question now before the Senate? Unfortunately we are very much in want of money, and our Treasury presents "a beggarly account of empty boxes." In this state of affairs, it will depend upon contingencies to which I need not advert, whether there will be sufficient money in the Treasury to pay all the appropriations for which we have provided. If there should not be, what will be the consequence? Unless this amendment shall be adopted, the President will have unlimited discretion over all the great objects of appropriation, and he may select or reject which of them he pleases. The amendment then is an express limitation, not an extension, of Executive discretion. We take up the general list of appropriations and select from it what we deem to be the least important objects: and we say to the President, if you have not money to pay all our appropriations then you shall withhold it from these designated objects alone. Your discretion shall be limited, and Congress, not you, will decide how the money must be applied in case the revenue should prove insufficient to meet all the appropriations. Let human ingenuity turn and twist this question as it

nay, this is the result. The amendment is an abridgment of Executive discretion. We may not have money enough to accomplish all the objects provided for by law; and in such an event we say to the President that we will designate those objects with which we are willing to dispense.

And this is the whole amendment! And this is the vast stretch of Executive power which may destroy the Government! The President, for example, in case of a deficiency of money, is directed to dispense with the appropriations "for barracks, quarters, and storehouses," and for the purchase of "saltpetre and brimstone," and for other objects, which I need not enumerate, and which are not of great and pressing importance. Does not the Senator from New Jersey perceive that this is an express limitation on Executive power? Without it, if there should not be money in the Treasury sufficient to accomplish all the objects for which we have provided, the President will have the unlimited power of dispensing with any appropriation which he may please. But we choose to exercise this dispensing power ourselves, and not to confer it on the Executive.

It is true that we might borrow more money; but we think it is wiser to reduce our expenditures than to increase our debt. If we cannot make all the improvements we desire, we will not trust our Executive agent with the discretion of roaming over the whole list, and rejecting such as he pleases. We perform this duty for ourselves by the present amendment, and give him his instructions.

The Senator from New Jersey, with all his ingenuity, cannot make more than this out of the amendment. The President cannot expend more money than there is in the Treasury. If there be not money enough for all the objects designated in our laws, without the amendment, he could divert this money from any one of them, and apply it to another. But we say, and say very properly, that he shall not exercise this power. It is much better that we should adopt this course, than either to borrow money or trust to the unlimited discretion of the Executive.

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Mr. Buchanan did not profess to have any wit, nor did he believe he had any: but if he had, he should be very sorry either "to burn or drown" the Senator in it. His acquaintance with ancient history was not such as to inform him where, when, or how either Cæsar or Alcibiades had destroyed the liberties of

their respective countries by a provision similar to this amendment. That might be owing to his own ignorance, which he hoped the Senator from New Jersey would condescend to enlighten.

The Senator, said Mr. B., has replied to what he calls my wit, but not to my argument. He has wisely passed the latter over. What is the amendment but this? I have an estate on which I desire to expend $100,000 in the course of the year. I employ an agent to direct and superintend this expenditure. It depends, however, upon the ability and will of a bank which is indebted to me, whether I shall be able to place the whole amount of this sum in his hands. Under such circumstances, what would a wise man do? He would say to his agent, you shall not exercise the discretion of deciding what particular improvement you will arrest in case I am not able to furnish the whole $100,000. This discretion I shall exercise for myself; and in case of a deficiency of means to accomplish the whole, you shall apply none of my money to such and such improvements, which, although important in themselves, must yield to others of more pressing necessity and greater utility. And, sir, this is the true nature of the amendment now before the Senate; and yet, strange as it may seem, it is strongly urged that it is an extension of Executive discretion! This is the whole amendment; and human ingenuity may be defied to make any thing more of it. What do we say by this amendment, to the President? If sufficient money should come in, you shall apply it to all our appropriations; but if it should not, you shall not expend any of it upon those objects of minor importance which we have designated. It is a clear limitation, not an extension of Executive discretion.

The amendment was then adopted.

TO MR. JENKS.[1]

LANCASTER 3 August 1840.

MY DEAR SIR,

I have received yours of the 1st Instant informing me that at the late Whig meeting at Newtown, one of the speakers had declared that I was in favor of reducing the wages of labor to

[1] Buchanan Papers, private collection.

teen cents per day & that he had documents to prove it. This eaker was behind the times; because the Whigs of this County sert that it is my desire to reduce the price of wages to 6 cents r day & that of wheat to 16 cents per bushel. Can you expect at I will give a serious answer to such nonsense? Do you ppose that a single man who utters such absurdities believes em? They proceed from the belief which the Whig party, der every alias, have always entertained that the people have t sufficient intelligence to prevent themselves from being im- sed upon by falsehoods however gross or improbable. Hence ey have always been, as they will again be disappointed. In tempting to humbug the people, they will themselves again be mbugged. There is no Democrat in the United States who ll believe that any Senator could have the wickedness as well folly to advocate the passage of any measure, upon the prin- ple that it would lessen the reward of honest labor or reduce e value of property in the country. A strait jacket ought to placed upon any such man.

So far from this being the truth, one principal point of my eech was to refute the argument of Mr. Clay who had at- mpted to prove that the Independent Treasury Bill would luce the wages of the poor man's labor. I not only contended at it would not produce this effect; but declared most solemnly it "if I believed for a moment that it would prove injurious the laboring man, it should meet my unqualified opposition." is you will perceive from reading a pamphlet copy of my eech which I send you. Mr. Merrick, the Whig Senator from aryland, replied to me the day after my speech was delivered & n opposition to the description as he truly said of the Bill, ven by me," contended that I was mistaken & that it would reduce the value of property & the wages of labor in the United ates." This was the very issue between the Democratic & hig parties in the Senate; the first contending that it would not the second that it would reduce the value of property & the ges of labor. And yet strange to say, it is now asserted and peated over & over again that I advocated the Bill because it uld produce the very effect which I spent much time in proving at it would not produce. Such a ridiculous falsehood gives me concern; because I know that no man in the Country, whatever may profess, believes such a silly slander. It is a silly attempt the part of the deceivers to deceive the people which [will] coil upon their own heads.

I should have passed by this idle story, as I have done, without notice, but for the respect which I feel for you personally & the earnestness of your appeal.

from your friend

very respectfully

DANIEL I. JENKS ESQ. JAMES BUCHANAN.

SPEECH, AUGUST 5, 1840,

BEFORE THE PENNSYLVANIA STATE DEMOCRATIC CONVENTION AT LANCASTER.[1]

After some introductory observations, Mr. Buchanan said he intended to investigate the claims of the Whig party to be considered the friends of the poor. That party had become inspired with a new born love for the labouring men of the country. The dwellers in splendid city palaces, surrounded by all the luxuries of life, had lately become rural in their tastes, and were now excessively enamoured of log cabins; and those who had revelled in champagne, were now content, for a season, to drink hard cider. The people would naturally ask the cause of this sudden change of conduct. What purpose did the whigs intend to accomplish by it? Deluded men! under every alias which they have assumed, they have always underrated the intelligence and patriotism of the people, and therefore have always destined themselves to disappointment. The rag baron aristocracy of the land now fondly imagine they are deceiving the people; but before the first day of December next, they will discover that they themselves have been deceived. These men, at the present moment, in the secret conclave of the bank parlor, are chuckling over their fancied success in seducing the democracy from their principles by the ridiculous cry of "hard cider and log cabins," and all the other mummery and nonsense of the day; but let me assure them that they can never succeed in gaining the people by offering such gross insults to their understandings.

But, Mr. B. said, he would proceed without further delay to elucidate the claims of the whig party to the support of the labouring men of the country, and to show, by the history of the past, what the people might expect from the success of Harrison and Tyler at the approaching Presidential election.

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[1] From the Lancaster *Intelligencer,* Historical Society of Pennsylvania.

First—as to the right of suffrage. It has ever been a rdinal principle of the Democratic party to extend the right of ffrage, and to abolish every property qualification in the elector. All mankind are born equal," and every citizen, be he poor or he rich, is equally entitled to enjoy this inestimable privilege. ho is it that meets and repels the foreign invader? It is the en of strong arms and brave hearts, who have been inured by l to endure the fatigues and dangers of war. And is it to be erated that such men, who have already risked their lives in fence of their country, or are prepared to risk them at any oment, should be denied a vote, because they are poor? Until an be established that poor men love their country less than the h, and that they are less willing to defend it in the day and ur of danger, the political privileges of both the rich and the or ought to be equal. Besides, wealth is constantly changing nds in this country, and the rich man of to-day often becomes poor man of to-morrow. For these reasons, universal suf-ge and universal education is the motto of the democratic ty. They will march hand in hand together, and nothing can est their glorious career. How does General Harrison stand on this question? Is he a democrat in regard to the right of frage? Is he in favour of conferring it equally on the poor l rich? Let his own recorded acts answer this question. He nself truly says, that when appointed Governor of Indiana, he s invested with powers almost dictatorial. In exercising the ies of this high office, on the 17th September, 1807, he ap-ved a territorial law, restricting the right of suffrage to the ders of a freehold of 50 acres of land in any county in the itory; or a less quantity in the county where the voter resided, vided the less quantity, with the improvements, were worth hundred dollars. His friends have endeavoured to shield him n the consequences of this anti-republican act, by contending t the old ordinance of 1787, for the government of the North-stern Territory, prohibited him from extending the right of frage. How shallow this pretext is, will appear from the fact, the very act which he approved, did change this ancient ordi-ce in an important particular. Under it, no man could vote o did not hold a freehold in at least fifty acres of land, whilst er General Harrison's law, any man might vote if he held a hold in only a single acre, provided, with the improvements, ere worth one hundred dollars. On the 3d of March, 1811, ngress blotted out this foul stain, which disgraced the statute

book of Indiana, and extended the right of suffrage to all the citizens of that Territory who had paid a county or territorial tax. And yet, Harrison is the friend of the poor man, whilst he would deprive him of the right of choosing the officers by whom he must be governed! If he be so, it must be on the aristocratic principle that the people are their own worst enemies, and that to allow poor men to vote, would be to place weapons in their hands by which they might destroy themselves.

But how stands Tyler in regard to the right of suffrage? In this respect "Old Tip and Tyler," as their friends delight to call them, are a noble pair. In 1829, the people of Virginia held a Convention, of which Mr. Tyler was a member, for the purpose of amending their Constitution. Previous to that date, the right of suffrage in Virginia had been confined to freeholders, and is still very much restricted. On the 29th of December, in that year, a proposition was made to extend the right of suffrage by conferring it upon all the citizens of that commonwealth who had resided therein two years—had been enrolled in the militia, if subject to military duty, and had paid a state or county tax. On this proposition, how did the candidate of the whig party for the Vice Presidency—that party which now professes to be devoted to the interests of the poor man—record his vote? My answer is, in the negative. The vote stood 47 to 47—and the proposition was lost because Tyler acted in the negative. Had he voted in the affirmative, it would have prevailed, and every citizen of Virginia, who had paid a state or county tax, and had been enrolled in the militia, if subject to military duty, would have been entitled to vote. But this is not all in regard to Tyler. He declared, in public debate, in that convention, that whilst he was willing to entrust the Governor with new powers, provided he should continue to be chosen by the legislature, yet he would not confer one iota of additional privilege upon that officer, if he were to be elected by the people. This distrust of the people has ever been a distinguishing feature of the whig party, at all times, and under every name which they may have assumed. Whenever in the history of this country there has been a contest between liberty and power—between the right of the many and the rights of few, that party has always been arrayed on the side of privilege and property. What think you, then, fellow citizens, of the devotion displayed by Harrison and Tyler towards the poor men in denying to them the right of suffrage? It will require an ocean of hard cider and myriads of log cabin raisings to persuade them, intelli-

ent and respectable as they are, that these gentlemen love the
echanics and laboring men of our country.

But the whig party has given other convincing evidence of
ie estimation in which it holds the right of suffrage. This,
ke the right of conscience, is a sacred right. No human power
ught ever to attempt to control its free exercise. The free
oters of this land are the legitimate sovereigns of the country;
id they are responsible only to God and their own consciences
or the manner in which they exercise their right of suffrage.
very citizen has an equal right, unawed by intimidation, to cast
s vote for whom he pleases. The petty tyrant who would
tempt to interfere with this right, by threatening the labouring
an with loss of employment and the starvation of himself and
s family, unless he should vote according to his dictation, is
nself a traitor to our free institutions. He ought to be held
o by name to public execration as a proper object for the finger
scorn to point at. What signifies universal suffrage, if it is to
controlled by the wealthy aristocrats of the land? Thank
eaven! there is a spirit abroad among the laboring men of the
untry, which will spurn such dictation. Every man in this
voured land, feels that he is a freeman, and will never yield to
ch heartless oppression.

I ask you, fellow citizens, what has been the conduct of the
iig party in this particular? For our sins, in consequence of a
ost unfortunate division in the democratic party, Joseph Ritner
as elected Governor in 1835. And what did he do while in
wer? The public works of the commonwealth were placed
der the control of a gentleman with whom, or whose character,
are all acquainted—I refer to Thaddeus Stevens. Well, do
not all know, that every poor laborer on the public works—
ery son of that glorious island famed for warm hearts and
ive spirits, was turned out of employment, unless he would
dge himself to vote for the re-election of Joseph Ritner!
d this, too, in a free country, where we boast of equal rights
l privileges! And the very party who have thus opposed the
or man, now pretend to drink hard cider with him, and tell him
t they love him with all their hearts and all their souls!

If this tyrannical proscription for opinion's sake had been
fined to labouring men upon the public works, we might console
rselves that the evil was now at end at least in this State, under
present democratic administration. But this heartless pro-
ption has not been thus confined. Although many honorable

exceptions exist in the whig party, we know that their wealthy manufacturers, their merchants in the large cities, their banks and bank dependants, and even many of their land holders, are in the habit of abusing the power which wealth has unworthily conferred on them, and trampling the sovereign rights of those who are dependent upon them in the dust. They are in the habit of saying to the man who is as good as they are, "you shall vote according to my dictation, or you shall leave my employment." This is one of the crying evils of the times, and I desire you should all seriously reflect upon it. It is a blow aimed at the very vitals of our free institutions; and unless it can be arrested by the power of public opinion, we might as well at once surrender the elective franchise exclusively into the hands of the wealthy.

The devotion of the whig party to the interests of the poor man, will further appear from their uniform hostility towards foreigners. I rejoice that the party to which I am proud to belong, has ever done justice to the oppressed of other lands, who have come to our shores in the pursuit of liberty and happiness. What is the reason that the whig party have ever been opposed to foreigners? I will tell you. Most of these men fly from the oppression of kings and aristocrats in their native country; and upon reaching our shores, by a natural instinct, they join the democratic party, which they know to be the friends of liberty and equal rights. Hence, foreigners have ever been objects of jealousy to our political opponents. During the reign of terror under the elder Adams, the term of their residence in this country, before they could be naturalized, was extended from five to fourteen years. Under this iniquitous law they were compelled to pass almost half a lifetime amongst us before they could enjoy the privilege of citizens. Soon after the democratic party came into power under Jefferson, this odious law was repealed, and the term of residence before naturalization was again reduced to five years, as it had been established under the administration of Washington. We all recollect the Alien act which once disgraced our statute book, and which was one great cause of the defeat of the elder Adams.

And what does this country owe to these persecuted foreigners? Was there a single battle fought during the revolutionary war, in which they did not freely shed their blood in defence of our liberties? We owe a debt of gratitude which we can never cancel, to the brave Irish and Germans who assisted us in that glorious struggle. The names of Montgomery and De Kalb, and

a host of other foreign patriots, ought ever to be embalmed in the grateful memory of American freemen. Whence then the deadly and persevering hate of the Whig party to foreigners? The same spirit of proscription against them, which existed during the reign of the elder Adams, still continues to actuate our political opponents. This is rendered manifest by a proceeding in the Senate of the United States so late as the month of January, 1838.

It has been the policy of our laws to afford all foreigners, before they were naturalized, the same opportunity of purchasing the public lands as though they were native citizens. We furnished them an asylum and a home in the far West upon the same terms with our own people. It has been equally the policy of the government, for a number of years, to confer upon poor men, who went into the wilderness on our frontier, and endured all the perils and hardships of first settlers, the privilege of purchasing the small tracts of land on which they had erected their log cabins and were rearing their families, in preference to all other persons. This privilege, however, strange as it may seem, has always been resisted by the modern log cabin party. The question has always been whether the speculator should be permitted these small tracts of improved land from the Government over the head of the actual settler; and the Whig party, true to its principles, has always espoused the cause of the speculator.

One of these pre-emption bills in favor of the settler was before the Senate on the 29th January, 1838, when Mr. Merrick, the whig Senator from Maryland, (and as a private citizen a most amiable and excellent man,) moved to make an odious distinction between foreigners and citizens, by excluding the foreigner from the benefits of the law. The question was debated at length, and on the final vote, every whig present, with a single exception, voted in favour of this discrimination, whilst every democrat voted against it. The effect of the amendment, had it prevailed, would have been to turn every poor foreigner who had settled on the public lands, under the faith of our past legislation, out of house and home, and to transfer his little property to the land sharks who are always prowling about the frontiers, in search of the most valuable spots which they can find. No matter whether the poor foreigner had declared his intention to become a citizen or not: nay, he might even have been naturalized at the date of the passage of the act, but if this had not been done previous to the 1st December, 1837, he would have forfeited his pre-emption

right, had the amendment prevailed. This penalty was to be inflicted upon these foreigners simply because they were foreigners; and that, too, by the party which now arrogates to itself a peculiar friendship for poor men.

And now, fellow citizens, permit me to present another striking illustration of the friendship of the Log Cabin candidate for those who are the real tenants of Log Cabins. We live in an enlightened age of the world, when the principles of civil liberty and equal rights are thoroughly understood and justly appreciated by a large majority of our countrymen. Under such circumstances, I declare before Heaven, that I consider it the most wonderful event that has ever occurred in free Republican America, that any party, knowing the fact as the Whigs did, should have selected as their candidate to fill the most exalted office on earth, a man who had voted to sell his white fellow men into slavery. General Harrison has not only recorded his vote in favor of this measure, but if we are to believe what we hear on the best private authority, he justifies the act at the present moment. And this is the man whom the Whigs have selected to preside over a nation of freemen! So monstrous is the proposition which he sustained, that in many portions of the country his friends will not believe it to be possible; and yet it has been placed upon the public records of the State of Ohio, and upon them will go down to the latest posterity. What will the enlightened patriots of other lands, who are panting after the liberty we enjoy, and who consider the example of this country as the world's last hope—what will they think of the people of the United States, if they should elect as their President a man who voted to sell his fellow white men into slavery?

The proof of this damning fact is as clear as the sun at noon day. The Statute Book of Indiana shows that on the seventeenth day of September in the year of our Lord one thousand eight hundred and seven, General Harrison approved a law, as Governor of that Territory, which declared that it shall and may be lawful for the Court before whom any person should be fined "on conviction of any crime or breach of any penal law," to sell or hire any such poor man or woman who might be unable to pay the fine, for such a term as they thought proper, to any master or mistress who would pay the fine and costs of prosecution for them. And this is not all. In case the unfortunate white slave feeling the degradation of slavery should abscond from his master, then the protection of a Court and Jury was withdrawn

from him, and on a summary conviction before a justice of the peace, he was to receive thirty-nine lashes, and serve three days for every one he had lost. And this extended to the gentler sex as well as men. More than two thousand years ago, if any man could exclaim with truth, "I am a Roman citizen," he could not be scourged for any crime. The Roman Republic would not degrade any of its free citizens by such an infamous punishment. At the present day, a numerous and powerful party in the American Republic are compassing sea and land to elevate to the Presidency a man who approved a law to inflict thirty-nine lashes upon any one of the sovereign people of this country who might be too poor to pay the fine inflicted by the Court, and who, after being sold, had absconded from his master. And, as if this were all not enough, the Courts are directed to give this infamous law in charge to every Grand Jury which might afterwards assemble in the Territory.

More than thirteen years afterwards, on the 30th January, 1821, the same subject came before the Senate of Ohio, while General Harrison was a member of that body: and the same law which he had approved as Governor of Indiana, he deliberately sanctioned and voted for as a Senator of Ohio, with the exception of the thirty-nine lashes. Under the Ohio law poor white men and women "Imprisoned upon execution or otherwise for non-payment of a fine and costs, or both," which they were unable to pay, were to be sold by the Sheriff, after ten days public notice, to any master who would pay the amount for the shortest period of service.

It is known to you all that men convicted of the most venial offences implying little or no moral guilt, are punished by fine. Assaults, assaults and batteries, riding or driving over bridges at a more rapid rate than the law permits, and numerous other petty offences, are punishable in this manner. And now let us suppose a case which might well have happened under Harrison's law; and if my memory serves me this very case was put to him by General Lucas, afterwards Governor of Ohio, before he voted for its passage. A revolutionary soldier is denounced by some insolent aristocrat as a traitor to his country. His revolutionary blood is fired by the imputation, and the old hero strikes his insulter a blow. He is tried, convicted, and sentenced to pay a fine for the offence. He is unable to raise the money, and in obedience to the law is advertised for sale, and in this boasted land of liberty you see him sold by public auction, at the jail door,

to the very man who had given him the insult which he had resented. Under Harrison's law of Indiana, if the old hero, feeling the pressure of tyranny, had escaped from his oppressor, he would, in addition, have received thirty-nine lashes on his bare back. Was there ever such a spectacle of oppression exhibited to the world? No absolute monarch in Christendom would thus dare to insult the feelings of his subjects.

And the free citizen of America is subjected to be sold as a slave merely because he is poor. The rich man pays his fine, and goes free. The poor man is not able to pay *his*, and he is stigmatized, and his spirit is degraded by being sold as a slave. The disgrace is entailed upon himself and his children, his spirit is broken, and theirs are humbled. How could a man who had been thus sold as a slave, ever afterwards feel the proud consciousness that he was an independent freeman, and stood upon an equal footing with the other sovereign people of this land? He would be disgraced and degraded from the proud rank of an American citizen, and this simply because he was poor. And yet this same Gen. Harrison is the candidate of the united Whig, Antimasonic and Abolition party!

And to cap the climax, the proudest aristocrats of that party have condescended to drink hard cider out of gourds, and to profess unbounded attachment for the interests of the poor laboring man. According to their own expressive motto at Baltimore, "they stoop to conquer." Was there ever such an insult offered to the understandings of the people? It will be amply avenged in Pennsylvania on the 30th day of October next.—Such a candidate and such a party professing friendship for the poor! What ridiculous mummery!

I come now to say a few words about the Harrisburg Convention, which nominated Harrison. The Whig party had in Mr. Clay a candidate of whom they might have been justly proud—a man of a bold and fearless heart—a man of high and commanding eloquence and a man of distinguished ability. Although opposed to his political principles, yet I have ever felt for him the highest regard. And how was he treated? He was sacrificed by the Whigs, to propitiate the Antimasons and Abolitionists. He was too proud and too honest to declare himself an Antimason, and his speech against Abolition, in the session of 1838–39, utterly destroyed him with that fanatical party. Mr. Clay was, therefore, obliged to stand back and yield his place to Gen. Harrison. Besides, they wanted a hero! Now, I do not

ntend to attack General Harrison's military character. Although I have no doubt that, like almost all other Americans, he is personally brave, and did his duty according to the best of his ability, yet he is certainly not a General whose name will ever go down to posterity on the same list with Washington or Jackson.—He performed one act, however, worthy of all praise, and for which the American people ought to feel forever grateful. This was his resignation in the midst of the war which enabled President Madison to appoint Old Hickory as his successor. Now if Gen. Harrison had adhered to his command, Gen. Jackson could not have been appointed a Major-General in the army of the U. S., and New Orleans would probably have become a prey to the British invaders. Other Generals have acquired glory by braving the toils and dangers of war; but the best service which Gen. Harrison ever performed for his country was that of resigning his command. In order, as they foolishly imagined, to gull the people of the country, the Whigs had to convert him into a military hero, and supposed they could excite the same enthusiasm in his favor which was aroused for General Jackson, the greatest hero of the age.

But their candidate, in addition to his heroic qualities, must be an Antimason; and on the subject of Abolition, his opinions must at least be so equivocal that he might be supported by the Abolitionists without glaring inconsistency. General Harrison was the very man for them in both these particulars. He is now a full-blooded Antimason. Although he boggled a little at first, and did not at once come up to the mark, yet he finally took the Antimasonic pledge to the entire satisfaction of that party, and was consequently nominated as their candidate for President in December, 1835. In reply to a letter from Thaddeus Stevens, he says: "I consider myself, indeed, the oldest Antimason in the U. S. My prejudices against masonry were formed as far back as I can remember." And again: "Two sons-in-law have been members, but have seceded, one of them upon my recommendation."

According to the well known principles of the Antimasonic party, an adhering mason can never be elected, or appointed by them to a public office. The Masonic Whig office seekers had better keep a sharp look out on this subject. How far General Harrison is pledged to this principle of proscription, will best appear from his own language. On the 11th November, 1835, immediately previous to the Antimasonic State Convention by

which he was nominated, William Ayres of Harrisburg addressed him a letter, asking for some explanations of one of his former letters, from which the following is an extract:

"It is not expected or desired by Antimasons, in this section of the country, that the powers of the General Government, or any of its departments, should be exercised to suppress masonry. *The appointing power is the only one in the hands of the Executive, for the correction of evils which attach to themselves the qualifications of applicants for office. I should be happy to receive your views in relation to the foregoing.*"

To this very significant inquiry, the General replies under note of the 20th November, 1835. The following is an extract from his answer:

"Lest I should be misunderstood also in another particular, I must take leave to say, that whilst I deny the rights of the General Government, or any of its departments, to interfere with the concerns of the people in relation to their principles, or party movements, in all cases where the laws of the Union are not violated, *I cannot be supposed to mean, that it is not the duty of the appointing power strictly to inquire into the principles of those who are candidates for office. For my own part, I hesitate not to say, that I would as soon think of appointing to an office under this Republic, one of the sprigs of English nobility—a scion from the pure Tory stock of the house of Eldon, or Lowther, or Jenkinson, or Wellesley, as an American citizen who would assert his right to enter into any engagement or combination, which would release him from his paramount obligations of duty to the Constitution and laws of his country.*"

Now it is one of the fundamental articles of the Antimasonic creed, nay, I might say it is the very fundamental article, however unjust and unfounded it may be, that the oaths taken by Freemasons are of paramount obligation to the duty which they owe to the Constitution and the laws. Has not, then, General Harrison, as "the oldest Antimason in the U. S." one of whose sons-in-law had seceded from the order of masonry upon his recommendation, solemnly pledged himself never to appoint an adhering Mason to office? I leave you, fellow citizens, to answer the question.—This solemn pledge which he finally gave, satisfied the Antimasonic Convention; and he was nominated as their candidate for the Presidency.

Daniel Webster, now the Magnus Apollo of General Harrison, and whom the Whig party have designated as his Secretary

of State, if not his successor, was also a candidate for the Presidency before this same Antimasonic Convention. He was asked by a committee of Antimasons at Pittsburgh for his opinions on the subject of masonry; and unlike General Harrison, he took the final leap into their ranks without a moment's hesitation. He sprung into existence at once, like Minerva from the head of Jove, a perfect Antimason. His answer was of such a character, that all good Antimasons declared "he had come up to the mark boldly, and deserved the highest praise for the course [he] had taken." Still his star waned before that of old Tippecanoe; and General Harrison received the nomination.

And what are Gen. Harrison's opinions on the subject of Abolition? I shall not say that he is an Abolitionist; although it is a fact capable of demonstration, that he never could have supplanted Mr. Clay, before the Harrisburg Convention, without the aid of the Abolitionists. His nomination was an Abolition triumph, and his election will greatly strengthen their cause. Should he be elected he will be indebted to them for his success; and common gratitude will induce him, if not to support, at least to display no open hostility to them or their principles. In all this vast assembly which I now have the honor of addressing, is there a single Democratic Abolitionist to be found? I have never heard of but two such in Pennsylvania, and neither of them is present. We are the party who bared our bosoms to the storm in defence of Southern rights when danger was impending, and when Joseph Ritner's Abolition message of 1836 was the signal for his party to attack Southern institutions. And yet, strange to say, the Southern Whigs are now leagued with these very Antimasons and Abolitionists to put down the Democratic party in this State. Should they succeed, they will give an impulse to the cause of Abolition which every pure patriot and friend of the Union will forever regret.

The Abolitionists are dangerous fanatics; and the more so, because they believe they are doing God service. They are impelled by what they believe to be a holy zeal in a course which would cover the face of this fair land with anarchy and blood. It matters not to them that we have entered into the most solemn constitutional compact with the Southern States, that their rights in slave property shall be protected. The danger of a dissolution of the Union inspires them with no alarm. They exclaim, let the Constitution be violated; let the Union be dissolved; our duty to Heaven is of paramount obligation to any earthly compact

with our fellow-men. It is whilst thus reasoning upon this principle, that honest fanaticism, in the history of our race, has often deluged the earth with blood. The first and necessary effect of their doctrine would be to involve this country in a servile war—a war which spares neither age nor sex—where bloodshed and murder, and brutal lust, revel in all their horrors. Some years ago, after Jos. Ritner was elected Governor of Pennsylvania, and when it was believed in the South that a majority of the people of this State had, by his election, declared in favor of Abolition, and when our mails were groaning under the weight of inflammatory addresses and pictorial representations, calculated to excite the savage passions of the slaves to vengeance, the condition of the gentler sex in the slaveholding States was truly deplorable. Many a Southern mother then clasped her babe to her bosom in the evening, under dreadful apprehensions that by the midnight hour she might be aroused to death, and worse than death, by the savage yells of the brutal negro. It is true, this terror has subsided; but the same fanatical spirit which produced it is now more active than ever. We have recently read of the meeting of the World's Abolition Convention in London, where our country was attacked in the most violent and vulgar terms, and where the assembled fanatics determined that the Constitution of the U. S. was no barrier against Abolition. Foreign influence has thus been brought to bear directly upon this question; and the foreign world is now pledged in favor of the Abolitionists. The danger never was greater than at the present moment. On this vital question, and at this important crisis, what is the position of Gen. Harrison? There was a God among the ancient Romans, called Janus, who had two faces; and so has General Harrison in regard to Abolition. With the one he smiles upon the Southern slaveholder; and with the other he casts a benignant look upon the Northern Abolitionist. He writes one letter to Mr. Lyons at Richmond, to satisfy the people of the South; whilst he addresses another to Mr. Evans, a Northern Abolition member of Congress, for the purpose of propitiating the Abolitionists of the North. He strictly enjoined that neither of these letters should be furnished for the public eye. The slaveholder disregarded the injunction, and published the letter directed to him, whilst the Abolitionist has obeyed it; but has been secretly circulating Gen. Harrison's letter to him among the Abolitionists and Abolition Societies of the North, for the purpose of conciliating their favor.

No man who occupies this ambiguous position upon a question of such vital importance—no man who is either ashamed or afraid to declare, that he would veto any bill to abolish slavery in the District of Columbia, as Mr. Van Buren has done, is worthy to preside over the American people. Whilst Gen. Harrison is writing private letters to the North and to the South, to the East and to the West, adapted to every meridian, when he is publicly called upon for his opinion on the Abolition and other questions of the last importance to the American people, he stands mute and refuses to answer. And this gentleman is the sort of candidate which the Whigs offer to you for your support!

Now let me call your attention to a branch of the subject which is vital and essential to the existence of liberty. The very essence of Republican Government consists in a frank and honest public avowal of the political principles of every candidate for office, and a strict responsibility of all public officers to their constituents.

We, as Democrats, do not support Mr. Van Buren for the Presidency, simply because we know him to be a great and a good man; but because, in voting for him, we know that we are sustaining our own principles.—This is the only reason why we are freemen, and not man-worshippers. "Principles and not men" is our motto. And how can we support principles, if the candidate for the highest office in the gift of the people refuses to declare his opinions on questions essential to our peace and happiness? It is our pride and our boast that our candidate has, on every suitable occasion, made a public avowal of his principles. Now how is it with Gen. Harrison?

The Harrisburg Convention made no declaration of their principles for the public eye. This would have been impossible. To have made such an attempt would have been to break that body into fragments. Not to comment upon other vital differences of opinion amongst its members; let me advert to one or two. Morgan's ghost still walks unavenged amongst us; and the Antimasonic partizans of Harrison and Webster would have required the adoption of a resolution to lay the troubled spirit. This the Masonic Whigs would have rejected with indignation. Again: the Southern Whigs would have required the adoption of a resolution against Abolition, and especially against the Abolition of Slavery in the District of Columbia; and this, in the very State house, where, but three years before, Joseph Ritner, in a message to the Legislature, had warmly advocated the Abolition

of Slavery in the District, and the rejection of the application of any new State for admission into the Union where slavery was tolerated. Ritner and Stevens, and their partizans, would have taken fire at such an insult. They would have pronounced the adoption of such a resolution, as Joseph Ritner did the conduct of the Democratic Senators and Representatives to Congress from this State, in the session of 1835, '36, "as a bowing of the knee to the dark spirit of slavery." This question must be passed over in silence, or the Slades of the North and the Whig slaveholders of the South could never have united in sweet communion to tear down an Administration pledged in the most solemn manner to sustain the rights of the South. Any attempt by the convention to declare their principles would have produced confusion worse confounded. Instead of principles, therefore, they thought it best to treat the people with hard cider and with spectacles of log cabins and coon skins.

A concealment of their principles from the public eye, is therefore the fundamental principle of the present Whig party. The Convention "deemed it impolitic, at the then crisis, to publish any general declaration of the views of the great Opposition party." Their candidate has identified himself with this principle, and his confidential committee has expressed the hope that their friends would every where receive the nomination of General Harrison, "*with something akin to generous confidence.*"

"Generous confidence!" This is language unknown to the vocabulary of freemen. Liberty is Hesperian fruit, and can only be preserved by watchful jealousy. Generous confidence, thus applied, is an utter subversion of the principles of our Government. The strict responsibility of all public agents to their constituents is at the very root of the tree of liberty. Every usurper who has ever betrayed the cause of the people has demanded and received this generous confidence. When before, in the history of this country, did a candidate for the highest office dare to stand mute when interrogated by the people upon questions vitally affecting their dearest interests? When did a Convention ever before assemble in free and enlightened America, which was either ashamed or afraid to avow its principles? Suppose a candidate was before you for Congress, and after asking his opinion on a question affecting your interests, he should inform you that he had determined to make no declaration of principle for the public eye, but trusted that you would treat him with generous confidence: what would be your indignant feelings, on receiving

ich an answer? Would you not treat him with scorn and con-
mpt, and spurn the idea of giving him your votes? And how
uch greater is the insult offered to the American people when a
ndidate for the highest office on earth determines to stand
ute? Truly we have reached a new and alarming era in our
story!

The language of Gen. Harrison is, "you must bestow a gen-
ous confidence upon me and believe that I shall do all things for
e best." The candidate for the highest office in the world thus
ays the part of Gen. Mum. A principle of this kind is abso-
tely destructive of all Republican liberty. If the People of this
untry should at the next election elevate Gen. Harrison to the
residency, a precedent will then be established, under cover of
hich men will be every thing and their principles nothing. The
eople will be hoodwinked; and when they ask for an avowal of
inciples, they will be informed that their candidate is a hero,
id will be offered a drink of hard cider.—Such insulting conduct
n only proceed from men who believe that the people are their
vn worst enemies, and are incapable of governing themselves.

They boast that the Baltimore Convention was attended by
fty thousand people, though this is a vast exaggeration of the
mber. Such a Convention of freemen assembled from every
ortion of the Union *to consult together upon objects of great*
tional importance, and to express their opinions, would have
en a sublime and imposing spectacle. But far different was
eir purpose. They followed in the footsteps of Gen. Harrison.
ey avowed no principles; they adopted no resolutions. It was
ridiculous pageant from first to last, and must have mortified to
e soul every friend of his country who was present at the spec-
cle. Log cabins, hard cider, and Tippecanoe songs, were substi-
ted for grave deliberation. It was a flagrant attempt to degrade
order that they might deceive the people.

What must be the feelings of the friends of liberty in other
nds, who are now groaning under tyranny and oppression, upon
rusing a history of these proceedings? We are a spectacle for
l other nations—a rainbow of promise—a chosen people, to
hose hands Providence has entrusted, in a great degree, the des-
ies of mankind. Should we fail in our grand experiment of
ee Government, a long night of Despotism will cover the
tions. The hopes of the friends of liberty throughout the
orld are fixed upon us. They and we fondly believe in the
eady advancement of mankind in the love of liberty, and in the

virtue and knowledge necessary to sustain free institutions. In the Baltimore Convention they have beheld a great and powerful party in this country, which arrogate to themselves "all the decency," identifying themselves with no principle, and attempting to carry their candidates by a shout and hurrah—by the cry that they are the hard cider and log cabin candidates. How must the hearts of these foreign patriots have died within them at such a spectacle in the land of the free and the home of the brave!—But they need not be discouraged. The Baltimore Convention has sealed the fate of Harrison, and thousands upon thousands of his former friends have abandoned him in disgust for this very cause. They will never be able to seduce the American people from the glorious principles they inherited from their fathers, by concealing their own principles from every eye and from every mind in the country.

But the Whigs not only display their contempt for the people by concealing their own principles, but by gross and palpable misrepresentations of the acts of the present Administration. I proclaim it here boldly, that there is not one prominent charge which they have brought against the existing Democratic Administration, which is not utterly and absolutely unfounded. It is their policy to repeat these charges over and over again, in the vain hope that the people will at last believe them. I have not time, upon the present occasion, to advert to them all. They are all of the same character as the ridiculous humbug, that the Administration are about to resort to direct taxation; when they know that every feeling and every principle of Mr. Van Buren are opposed to any such measure. In time of peace we must always collect the revenue required by an economical administration of the Government, by imposing duties on the importation of foreign merchandize; and thus give all the incidental protection which we can to our domestic manufactures. They must form a low estimate, indeed, of the understanding of the people, who suppose they can be induced to believe that Mr. Van Buren would be guilty of the wickedness and folly of imposing direct taxes upon them, and thus commit political suicide. But I shall not dwell upon the subject, as I intend to explain the militia humbug a little more at length.

From every Whig orator in the land, we have heard it over and over again reiterated that Mr. Van Buren has attempted to establish a standing army of 200,000 men. On what does this ridiculous charge rest? On a plan or bill reported to Congress at

e last session, in obedience to the request of a committee of the ouse of Representatives, by Mr. Poinsett, the Secretary of War. ow the first striking fact connected with the subject is, that Mr. an Buren not only did not approve this plan, but was ignorant f its existence. In the emphatic language of the Secretary him-lf, "with it or its details he (Mr. Van Buren) had nothing do." As is the usage in such cases, it was sent to Congress, without being previously submitted to the President." It is, erefore, emphatically and exclusively the plan of Mr. Poinsett, id not of Mr. Van Buren.

But what is this plan? There are at least one million five ndred thousand men in the United States subject to militia ity, and probably not much, if any, less than two millions. rom this mass it was proposed by Mr. Poinsett to take one ndred thousand men, between twenty and thirty-seven years of ge, by draft or by volunteering, or one man in every fifteen, hich should constitute what the Secretary calls the active or oveable force. This force was to be organized into companies id battalions; and one-fourth of the whole number, say 25,000 en, to be determined by lot, was to pass out of the active force to what is called the reserve or sedentary force, which was also consist of 100,000 men. Under the system in complete opera-on, twenty-five thousand men would pass each year, by draft or olunteering, from the mass of the militia into the active force; e same number of men would pass, each year, from the active to the sedentary force; and the like number would return, each ear, from the sedentary force into the mass of the militia from hich they had been originally drawn. Each of the militia men us drafted was to serve four years in the active force, and was constitute a part of the sedentary force during four years nger. It was a new denomination by which to call a grand vision of the standing army—that of sedentary corps—but never as name better applied. This division of the grand army are erally to sit still, having perfected their military accomplish-ents during their first four years' service in the active force. ey are not to be called out even in defence of the country, until e active force shall have been exhausted. At one fell swoop, en, one half of this grand army of two hundred thousand men e annihilated.

Then as it regards the remaining 100,000 men of the active rce, what duties had they to perform? The U. States was to divided into convenient districts; and the President was

authorized to assemble such numbers of them as he might think proper within their respective districts, during a period *of not less than ten, nor more than thirty days, during which they were to receive pay for the purpose of instruction, discipline, and improvement in military knowledge.* This I pledge myself to you, is substantially the plan, the whole plan, and nothing but the plan of Mr. Poinsett, so far as it proposed to make any change in the existing law. This is the standing army, not of 200,000, but of 100,000 men, scattered at various places over the United States, for the purpose of improving themselves in the military art; and that for a period not exceeding thirty days, in each year, and this the Whigs proclaim to be portentous to liberty. We have been told that these sons were to rise up against their own fathers, and the fathers against their own children; and were to destroy their own liberties; because they were to be assembled from ten to thirty days in each year for the purpose of learning how to defend their country. And it is out of this miserable material that the Whigs would manufacture a panic, and induce the people to believe that the President desires to establish a standing army of 200,000 men to usurp the liberties of the country! What renders this humbug still more farcical and ridiculous, if possible, is, that General Harrison himself, whilst a member of Congress, advocated and strongly urged the adoption of a similar plan to classify and train the militia. Nay, more: Washington, Jefferson, Madison, Monroe, and Jackson, have, during the last half century, all recommended similar plans to Congress; and this subject has been urged upon Congress *thirty-one times*, by different departments of the Executive Government, since the adoption of the Federal Constitution.

The principal reasons upon which these great and good men, ever since the origin of our Government, have advocated a similar plan for re-organizing the militia, are, that whilst the present militia system was a heavy burden and expense both of time and money to the people, they acquired but little useful instruction in the art of defending their country. It was, therefore, deemed by them to be wiser to classify and instruct a small portion of the younger men of the great mass, and relieve the remainder altogether from the burden of militia duty. Their recommendations, however, have never found favor with Congress. Reports were unanimously made against Mr. Poinsett's plan by the Committee on the Militia, both in the Senate and in the House; and if there was a single Democratic member of Congress in favor of

adoption, I know not the man. For my own part, I was ways opposed to it, believing that the true defence of the untry consists in the brave hearts and strong arms of the mass the people. Whenever danger is impending from a foreign e, hundreds of thousands of such men will volunteer to defend eir country; and under the impulse of patriotism they will then quire more knowledge of the military art in a shorter period an they could ever do in these camps of instruction, during a ne of profound peace. Besides, I believed that one feature of e plan conflicted with the Constitution. But this plan is now ad and buried, and its ghost is conjured up by the Whigs erely for the purpose of affrighting the timid, and inducing em to oppose a President who never approved it, and of supting a candidate who has been one of the chief advocates of a nilar measure.

But I am not yet quite done with General Harrison and the litia. General Harrison whilst a member of the House of Repsentatives and Chairman of the Committee on the Militia, made report on the 17th January, 1817, which he reiterated at a bsequent session, strongly urging the necessity of appointing litary teachers, under the authority of the Federal Governnt, to instruct every male scholar of the proper age in every imary school throughout the United States in military discine; whilst the more scientific part of the art of war should be mmunicated by professors of tactics to be established in all the gher seminaries. No man, except himself, has ever, to my owledge, suggested such a monstrous proposition. Just conder it for a moment. What vast patronage and power would it nfer upon the President, to enable him to appoint and pay mili-y instructors for all the primary schools in the United States! sides, the expenses of the people would be enormous. Such a tem of education would soon convert this country into a mili-y despotism. He was a wise man who said, Let me direct the orts and pursuits of the children, and I will mould the charac- of the men into any form I please. Let all the male scholars the country receive military instruction from a public master, tead of the games and plays to which they are accustomed; them be marched and counter-marched, with tiny muskets on their shoulders—let their youthful imaginations be thus d with visions of military glory, and when they become men y will be unfitted for the peaceful and laborious pursuits of il life. They would then be the fit and the willing instruments

in establishing a splendid military despotism, such as that of the great Emperor of France. Then place some able and ambitious General in the Presidential chair, and you furnish him the very best materials with which to subvert the liberties of his country. In addition to this, create a splendid Bank of the U. S., with a capital of seventy millions of dollars, such as the Whigs now propose, and you may live to see the day when the power of the purse and the sword, in the hands of the President, will not be, as now, an empty name. The Whigs, in talking about Mr. Poinsett's standing army, say nothing of this vast project of Gen. Harrison for converting us into a military nation. It would be absolutely startling to the imagination, if it were not for its absurdity and folly.

I come now to speak of another Whig misrepresentation, which concerns myself personally. It has been gravely published and incessantly repeated all over the country, that I seriously rose on the floor of the Senate, and said, in substance, "Mr. President, I advocate the passage of the Independent Treasury bill, because it will reduce the value of the poor man's wages, and of all the property in the country." A charge so absurd would be scarcely worthy of a serious refutation, but for the pertinacity with which its truth is insisted upon. If I could have uttered such a sentiment, I should have been worthy of a strait jacket and a cell in Bedlam, instead of a seat in the Senate of the United States. The Whigs have already ridden this hobby to death, as they have done every other. "Buchanan wages," as they call them, have been in a rapid state of depreciation. They soon sunk to ten cents per day for wages, and twenty-five cents for a bushel of wheat. Recently I have understood that a public meeting has been called in this county of all those opposed to the reduction of wages to six cents per day, and the price of a bushel of wheat to sixteen cents. At the next step, the Whigs will compel the poor man to work for nothing and find himself! And it is by such ridiculous absurdities as these, that they expect to delude the intelligent people of this country! The strangest part of the whole concern is, that this falsehood is not only without any shadow of foundation, but is in direct opposition, not merely to a passing remark in my speech, but to one of the principal heads of my argument. Mr. Clay, to whom I replied, had contended that the Independent Treasury bill would, in its consequences, reduce the wages of the poor man's labor. In opposition to this doctrine, I contended, at length, that it would produce no such effect, and

at it would benefit the laboring man as much, and probably
ore, than any other class of society. I declared that, from my
ul, I respected the laboring man, and that labor was the founda-
on of the wealth of every country. I emphatically pronounced
e opinion, that that country was the most prosperous where
bor commanded the greatest reward, and solemnly stated, that
I believed for a moment that the bill would prove injurious to
e laboring man, it should meet my unqualified opposition. I not
ly asserted these general propositions, but endeavored to sustain
em by a long argument; with what success the public must
dge. On the very next day, the Whig Senator from Maryland,
r. Merrick, who is an honest man, replied to my argument,
hich he stated fairly, in a speech which has been published to
e world. In opposition, he said, to the description of the bill
ven by me, he contended that I was mistaken, and that it would
reduce the value of property and the wages of labor in the
. S." This was one of the chief points at issue between the
hig and Democratic parties in the Senate; the Whigs contend-
g that the bill would, and the Democrats that it would not,
duce the reward of labor and the value of property.—You may
en judge of my astonishment when I discovered that it was
serted, and reiterated all over the country, that I had advocated
e bill, because it would produce the very effect which I had
ent much time in proving that it would not produce! Such
diculous falsehoods give me no concern; because I know that
man in the country, whatever he may profess for party effect,
elieves the silly slander. I need make no professions of my
evotion to the interests of the poor man. The whole history of
y Legislative life, which has not been short, will prove that,
henever an opportunity has offered, I have been his advocate
d his friend.

Fellow citizens, let me entreat you to look a little deeper
to this subject. It is the banks which injure and destroy the
boring men of the country; and it is they and their stockholders
d dependants which have produced the present log cabin and
ard cider excitement, in order that they may again become the
epositaries of the people's money and loan it out for their own
enefit. They are outraged at the idea of surrendering any of
eir enormous privileges. To collect the revenue of the United
tates in gold and silver, and thus to compel them to keep more
ecie on hand, especially whilst they issue irredeemable rags,
ey consider almost high treason against their established pre-

rogatives. It is this that has occasioned the death-struggle which is now depending between the Bank Whig and the Democratic parties.

It would be an endless task to enumerate the misdeeds of these banks. We have witnessed two suspensions of specie payments within the short space of three years, and the country is now inundated with the very worst rag currency. What bank now pays out its own paper? They circulate nothing but foreign trash; and no man has a chance of seeing the notes with which he is familiar. Checks upon them are paid in bank notes from a distance, and thus the man who desires to enforce the law against them, is without a remedy.

These banks exercise a power over the people of this country, which, if it were directly attempted by any foreign despot, would shiver his throne to atoms. The value of every man's property is subject to their control. They periodically raise and depress the value of property and the wages of labor at their pleasure. When the edict issues from the Bank parlor that the currency shall be expanded, every thing rises in price; and, on the contrary, when they determine that it shall be contracted, every article sinks in value. The bank speculators, who are in the secret, know precisely when to buy, and when to sell; and thus accumulate immense fortunes at the expense of their uninitiated neighbors.

What has been the history of the country for the last quarter of a century? It has been a history of constant vibration—of extravagant bank expansions, which raise the price of labor and the value of property to a nominally high standard, succeeded by ruinous contractions, which depress them to almost nothing, and often deprive labor of its employment altogether. Under the blighting influence of these banks, the country moves like the pendulum of a clock, swinging between the extreme points of delusive prosperity and real adversity. There is nothing settled or steady in our business. At one period we experience all the evils, without any of the advantages, of an exclusive metallic currency, and then, in a few short years, our paper currency is again bloated to the bursting point. At successive intervals, many of the best and most enterprising men of the country, who have been tempted to their ruin by the facility of obtaining bank accommodations, whilst the bubble was expanding, are crushed by the contraction, and fall victims at the shrine of the insatiate and insatiable spirit of extravagant banking. Yet, strange as it may

eem, the merchants and men of business in our large cities, who uffer most from this baneful spirit, have never ceased to be its orshippers.

But in what manner does extravagant banking injure the aboring man? This is the proposition which I propose to dis-uss. What ought the mechanic and laboring man most to esire? These three things—constant employment, regular and air wages, and payment in a sound currency. Now I shall under-ake to demonstrate that the banks rob him of these three advan-ages, which are essential to his prosperity.

And first, as to constant employment. What is the effect of e present system of bank expansions and contractions in this articular? It is true that, during the short period whilst the ubble is expanding and the banks are increasing their issues and eir loans, labor of every kind finds employment. But under is system, the storm is sure to succeed the sunshine—the explo-on is certain to follow the expansion—and when it comes, (and e are now suffering under it,) what is then the condition of the echanic and the laboring man? Buildings of every kind cease be erected. Manufactories are closed; public works are sus-nded; the times are so hard that mechanics suffer for want custom, and the industrious classes are thrown out of employ-ent altogether. The recital of the sufferings of the laboring en during the last winter, especially in our large cities, was ough to make the heart bleed.

Then as to fair and regular wages. It cannot be denied, that at country is the most prosperous where labor commands the eatest reward; but this not for one year merely; not for that ort period of time when the banks are most expanded; but r a succession of years—for all time. It is ruinous to the labor-g man that his wages should rise with the kite of speculation e year, and the very next year sink to almost nothing. Perma-nce in the rate of wages is indispensable to his prosperity. He ght to be able to look forward with confidence to the future; calculate upon being able to rear and educate his family by the eat of his brow, and to make them respectable and useful izens. Our present vicious banking system renders this im-ssible. Even during the periods of delusive prosperity, whilst e paper currency is expanding, and when the price of every ing else is increasing, the wages of labor are the last to rise. his was the observation of Gen. Jackson, emphatically the friend the poor man. The price of a day's or a month's labor of any

kind—the price of a hat, of a pair of boots, of all articles of furniture, in short, of manual and mechanical labor generally, is fixed and known to the whole community. The purchaser complains if these fixed prices are enhanced, and the mechanic or laborer does not raise them, until he is compelled to do it by absolute necessity. In the mean time his meat, his flour, his potatoes, clothing for himself and his family, mount up to an extravagant price long before his compensation is increased. Even when the wages of the laboring man become nominally high, he finds that the price of all the necessaries and comforts of life which he must purchase has risen in a still greater proportion; and even during the last year, at the period of the greatest bank expansion, he could not afford to go into the market and purchase beef for his family at the enormous price which it then commanded.

When the contraction comes, and the banks begin to turn the screw upon the people, the wages of the laboring man are the first to sink with the general depression; and he is often thrown out of employment altogether, and reduced to absolute want. The doctrine for which I contended in the Senate, and for which I shall contend until my dying day, is, to reform the banks in such a manner, as to prevent this eternal fluctuation in prices, which is so ruinous to the people. We want stability. Establish something like a permanent system of business, and destroy gambling speculation, and the country will then rise gradually to wealth and greatness, by its own intrinsic energies. If the poor man then should not receive as high wages as he does at the very moment of our greatest bank expansions, he will be far more than indemnified even in the amount received, during a series of years, by regular prices and constant employment. If his wages should never rise so high as they now do during short occasional intervals, they will never sink so low as the rates to which they are reduced by far the larger portion of his time.

But, above all, under a proper system of bank reform, his wages would be paid in a sound currency. At present, he is compelled to receive the most worthless trash of shinplasters in circulation. His desire to get clear of it, before it perishes on his hands, banishes economy from his dwelling. He never thinks of laying it by for a rainy day, lest it may become worthless. It is absolutely necessary to his security that the banks shall be prohibited from issuing notes under ten dollars, and, after a reasonable period of time, the denomination ought to be increased to

enty dollars. Then, and not till then, shall we have a specie rrency for the common purposes of life; and then, will the boring man receive his wages in gold and silver. This is an ject near to my heart; and till it be attained, he will be liable to nstant imposition.

The Democratic party is the true conservative party of the untry. We desire not to destroy, but to reform, the present nking system. We desire to deprive the banks of their de-ructive privileges, and confine them to their legitimate business -to render them the useful agents of the people, instead of their estroyers. We intend to bring the instinct of self-preservation bear upon them, and thus to prevent another suspension of ecie payments, by declaring beforehand that it shall be an stant and irreversible forfeiture of their charters. For myself, otwithstanding all the slanders which have been circulated gainst me, I have, from the first, been publicly, steadily, and nsistently, opposed to an exclusive metallic currency. Time ill not permit me to enlarge upon this subject.

But reform, radical reform, is absolutely necessary. Many ppose that the passage of the Independent Treasury bill may nder this unnecessary. Far from it. That bill merely provides at the public revenues of the country shall be collected in gold nd silver, and deposited with responsible officers of the Govern-ent, and not with State banks. It therefore merely takes from e banks the power of loaning the public money for their own dvantage; but it does not establish, and could not constitu-onally establish, any bank reforms. To the Legislature of our wn State we must look for the performance of this important uty. Bank reform, bank reform, ought to be inscribed on all ur political banners during the present contest, with the names f Van Buren and Johnson. Until it shall be accomplished, the oor man can never occupy that independent position in society o which he is justly entitled under the Constitution of a free ountry.

The Democratic party is opposed to an irredeemable paper urrency as one of the greatest political evils which can afflict e country; whilst the Whig party, which is cherished by the anks, naturally desires to extend to them every possible indul-ence. They are, therefore, opposed to the enforcement of a peedy resumption of specie payments. Indeed, I pronounced hem on the floor of the Senate to be the irredeemable party. A ill was before the Senate, at the close of the last session, rechar-

tering, for a limited period, the banks for the District of Columbia, provided they should resume specie payments within sixty days after its passage. Three of these banks expressed their willingness to accept the bill, and declared themselves ready to comply with its terms. I have the official evidence of this fact in my possession, and I read it to the Senate. The Whig party, however, opposed and defeated the passage of the bill, on the ground that the premature assumption of specie payments by the banks would prove injurious to their debtors. The interests of the mass of the people who held their notes were thus entirely abandoned. This is I believe the first case upon record where banks themselves willing to resume, have been prevented from doing so by legislative authority. Such is the Whig policy in regard to resumption. During the first suspension of specie payments, a Whig Senator from South Carolina, (Mr. Preston,) moved and advocated a proposition requiring that the Government of the U. States should receive irredeemable bank paper for a limited time in payment of the public dues. Had we yielded to this Whig policy, the suspension of specie payments might have been rendered perpetual. It is in vain to expect that this party, should it obtain power, will ever regulate the banks or enforce the speedy resumption of specie payments. They go for the banks, because the banks go for them, whilst the Democratic party will require the banks always to pay specie or will blot them out of existence.

Should Gen. Harrison get into power, we shall then have a Bank of the U. S. in addition to the nine hundred State Banks, already in existence. And this is what gives tremendous importance to the present contest. Let a Bank of the U. S. be established, with a capital of $70,000,000, ramifying its branches into every State of the Union; and although the forms of a free Government may remain, its substance will have perished forever. The money power will then be thoroughly under this monster Bank, and the nine hundred State banks will act as its auxiliaries. The affairs of the Government would then be discussed and regulated in the parlors of the Bank. You might then still attend the elections and give your votes; but a secret and all pervading moneyed influence would control the result. We should thus be reduced to the worst of all forms of Government, that of an irresponsible moneyed Aristocracy. View the present struggle in what light you may, it is a contest between the power of the people and the power of money.

No man in the country could have put down the Bank of the U. S., except Andrew Jackson. He had a lion heart; he knew no fear; he had iron nerves; he was one of the people, and loved the people with all the devotion of his heart. He clearly saw that the Bank would endanger, if not destroy, our political liberties; and he cast himself into the breach, determined to beard the lion in his den. The struggle was tremendous, and for a long time doubtful. At one period, if the Presidential election had then occurred, the Bank would probably have gained the victory. He never, however, for a single moment, lost his confidence in the people. I myself heard him declare, in the midst of the contest: "I am not afraid of the people. I shall do what I believe to be right; and those who do not confide in their integrity and intelligence ought never to be trusted by them." There was no log cabin non-committalism about him. He never concealed his opinions from the public eye, but always expressed his thoughts freely to friend and foe. The people sustained him, and the Bank was prostrated. Are you now prepared to create a new National Bank by the election of General Harrison; and by doubling its capital to double its dangerous power? Shall the labors and the success of General Jackson in prostrating the old Bank prove to have been all in vain, or worse than in vain? No, never. If you should be now defeated, you can never expect to have another Gen. Jackson to prostrate this new Bank—another Hercules to slay the Hydra.

In the destruction of the last Bank of the U. States, we have witnessed the exception, not the rule. Combine the moneyed aristocracy of the country, through the agency of such a Bank, with the administration of the Government, and their united power would create an influence which it would be almost impossible for the people to withstand. We should never again see these powers in hostile array against each other. There is a natural affinity between wealth and power. Speaking of them, Mr. Randolph once said, "male and female created he them." The power and patronage of the President will hereafter be combined with the power and patronage of the Bank; and whilst the President will then always be able to select his successor, the charter of the bank will be perpetual. It will wind itself around every interest of the country; it will gradually insinuate itself into the veins and marrow of the whole body politic; corrupting the entire system, until at last it cannot be destroyed without at the same time causing the political death of the patient.

During this war between General Jackson and the Bank, every effort which eloquence could exert, every influential press which money could purchase, was used for the purpose of rendering him odious in the eyes of the American people. He was denounced as a tyrant, an usurper, and a despot; but he stood unmoved amid the storm. In what manner he regarded all this abuse will appear from a short anecdote, which I will relate:

At that time the sympathies of the American people were warmly excited in favor of the suffering Poles; and the public press every where was pouring out anathemas against the cruelty of the Emperor of Russia towards them. The Russian Minister called upon General Jackson, and complained loudly that the newspapers should abuse in such unqualified terms a sovereign who had ever been friendly to the United States. The General, who is a man of great tact, (instead of reading him a homily on the freedom of the press, and assuring him that he had not, and ought not to have, any power to control it,) simply replied: "Go home, my dear Baron, and re-examine the newspapers, and if you do not find that the Bankites abuse me in more outrageous terms than they have ever done your imperial master, then I shall agree that you may have some cause of complaint." The minister was struck with this remark; he admitted its justice, and Old Hickory never heard any further complaint upon the subject.

This man has made for himself a name throughout the world which has exalted the American character. Whilst I was abroad, I declare that I never was in any company where I was not regarded as a man of importance, simply because I could tell them something about "Old Hickory." His name was almost as familiar to their lips as it is to those of our own countrymen. And shall we now, by the election of Gen. Harrison, annihilate the most glorious and most useful achievement of this man, admired abroad and beloved at home—that of destroying the monster bank—and create a new bank with twice the capital and twice the power of the old one? No, never.

I desire to afford you another proof of the affection which the Whigs feel for the rights and liberties of the people. How do they treat elections? Let the history of the Buckshot war and of the New Jersey fraud upon the rights of the people answer this question. The principle which has been ever held sacred by the Democratic party is, that the majority shall rule; and when we are fairly beaten at the polls, we bow with submission to their decision. Now, in the State of Pennsylvania, after the true

majority against Governor Ritner was known to be at least ten thousand votes, a regular plot was formed for the purpose of establishing a revolutionary Government. It was openly proclaimed by his Secretary of State, that the election of the people should be treated as if it never had been held. In pursuance of this plot to destroy the vital principle of this free Government, by substituting the will of the minority for that of the majority, and to usurp the powers of the State, Governor Ritner's Secretary dared to withhold from the Legislature the true returns of the election. It was known to every man, woman, and child in the Commonwealth, that two Democratic Senators and eight Democratic Representatives, had been fairly elected in the county of Philadelphia; and that the returns of their election had been transmitted to this Whig Secretary at Harrisburg. But this election was treated by him as if it had never taken place. A false and fraudulent return, which had been manufactured to suit the purpose by a minority of the return judges, was substituted instead of the true returns. A revolutionary House of Representatives was organized, composed in part of the eight defeated Whig candidates in the county of Philadelphia. And what was this, my fellow-citizens, but a direct and daring attempt to revolutionize this free Government, and to make you the subjects of the conspirators, instead of the citizens of a free State?

The indignant freemen of Pennsylvania, by one common impulse, rushed to the seat of danger from the peaceful mountains and valleys of the Keystone State. At the sight of their indignant countenances, the faces of the conspirators began to blanch. Conscience made cowards of them all, and what had commenced in deep tragedy, ended in broad farce. The jump of Stevens, Penrose, and Burrowes, from the back window of the Senate chamber has already become famous in story, and they fled through the adjoining fields as if they believed every bush was an officer. The Scriptures say that "the wicked flee when no man pursueth," and such was the case upon the present occasion, for no personal violence was intended. We relied upon the moral power of truth to restore the Government to its constitutional action. The buckshot war followed, but the troops in vain sought for an enemy. The constitutional Government had been restored before their arrival, and they "marched up the hill, and then marched down again."

Should General Harrison be elected President, who will be his most particular friends and most confidential advisers in this

State? Stevens, Penrose, and Burrowes. Without their aid, Clay could never have been defeated, and Harrison could never have been nominated, at the Harrisburg Convention. Will you then vote for Gen. Harrison, and thus restore to power and to influence those very men who have already made one daring assault upon your liberties?

Another attempt of the Whig party to treat elections as if they had never taken place, occurred about the same time in New Jersey. There the broad seal of Governor Pennington was interposed to sanction a fraud upon the rights of the people. The minority candidates were thus attempted to be forced into the H. of Representatives, instead of the members who had been fairly elected by the people. In this manner they hoped to defeat the great measure of deliverance and relief—the Independent Treasury bill—which the Whig papers, fearing its effect upon the people, have not even dared to publish. Having spent much of the precious time of the House in the discussion of this question, it was finally decided in favor of the members elected by the people, with but twenty-two dissenting voices. I believe this was the number, although I speak from memory. Thus has ended the second attempt to treat elections as if they had never taken place.

The Whigs tread upon dangerous ground in making these experiments. Their conduct in this respect is one of the most alarming symptoms of the times. Democracy will always submit to the will of the majority.—We use no arms but those of reason; yet we shall never patiently submit to the rule of a usurper. Now let me suppose a case. Suppose the election of 1838 to have been a Presidential election, and that Governor Pennington had commissioned as electors, under the broad seal of New Jersey, individuals who had been notoriously defeated at the polls. Suppose, in addition, that these defeated candidates had turned the scale, and had elected a President of the U. S. Under such circumstances, would the people of this Union have patiently submitted to the rule of a President who had been notoriously elected by fraud, against the will of the majority? This is a startling question. Should these practices be continued, I dread the result.

But it would seem that our political opponents, having tried the power of fraud in vain, have now determined to resort to open force, if that be necessary, to put down the will of the majority. A few days ago, at the log cabin in Richmond, Virginia, the Whigs were addressed by Mr. Preston, of the U. S.

Senate, a distinguished and eloquent leader of their party. In the course of his address, according to the report of Mr. Greenhow, a gentleman of the highest character and standing, as published in the Richmond Enquirer, Mr. Preston, "after indulging in the most infuriate denunciation of the President of the U. S., and exciting his audience to a pitch almost of frenzy, capped the climax of his inflammatory appeal by telling them that, although he believed Mr. V. Buren's election, would be defeated by Constitutional means, *yet if those means were insufficient—if the ballot-box should fail him—he, for one, was willing to resort to the rights and arms that Nature gave him.*" He said this to a Virginia audience, and that Virginia audience answered him with "shouts of applause!" This declaration of the South Carolina Senator, was adverted to this afternoon by the distinguished gentleman from Philadelphia, (Mr. Dallas,) and its truth is substantially confirmed by a gentleman now present, of as much standing and character as any man in Pennsylvania, who was personally present and heard the remark. Similar threats of civil war, for the purpose of deposing the President in case he should be re-elected by the people, have been uttered by Whig orators of inferior note in other portions of the Union.—Now, with this distinguished Senator I have been in the habit of social intercourse; and I do not, I cannot believe that in his cooler and calmer moments he would have uttered such a sentiment; much less do I imagine he would shed the blood of his fellow-countrymen in civil war for the purpose of deposing Mr. Van Buren. But such furious language is the inevitable consequence of the political revels of log cabins, where the orator and the audience are excited by draughts of what they call hard cider, to such a pitch of passion, that the one will utter any extravagance, and the other, like the Virginia audience, will applaud it. But the Whigs will not do it. *No, they will never dare to make the attempt.*

It will not be long before all this humbuggery will reach its end. By the ides of November, the hard cider will have been converted into sour vinegar under the burning rays of the sun of Democracy; and the log cabins will disappear, as if by enchantment. The Whigs will look upon their now favorite intoxicating liquor, with the same nausea and disgust that the sick man, already drenched with medicine, views a new dose of calomel and jalap. They will return again to their champagne. The Tippecanoe buttons, the Tippecanoe pocket handkerchiefs, the Tippe-

canoe snuff-boxes, and Tippecanoe articles of every kind, will disappear as rapidly as the miserable shinplasters after the resumption of specie payments. The unsubstantial pageant faded, will not leave a trace behind.

The Democratic lion of Pennsylvania is now shaking his mane and rousing himself for the contest. Nothing is more certain than that we are destined to achieve a triumphant victory at the Presidential election on the 30th of October. Every where the excitement prevails, and every where the people are aroused to a sense of their danger. Every where they feel themselves insulted, as they ought to do, by the ridiculous and humiliating attempts of our opponents to seduce them from their principles. They will again fail, for the simple reason that they know not how to appreciate the people of this country. If they wish to carry the people with them, they must appeal to their reasons, and abandon the ridiculous mummeries to which they have resorted.

On the other hand, we can appeal to every principle of morality, as well as every feeling of patriotism, in support of our cause. Where will the true friends of temperance be found in the present contest? This glorious reform has been spreading over the world with rapid strides. Father Matthew, the celebrated Irish priest, has done more good to Ireland in this holy cause, according to the confession of an English Bishop, than any other man for the last hundred years. Every where, throughout this land, the wise and the good are urging on the temperance reform. What, then, shall we think of a party whose watchword is an intoxicating liquor, upon whose banners is inscribed the motto of "hard cider," and whose log cabins, of city manufacture, are scenes of revelry and carousal? Let the "all the decency" party deny this, if they can. The true friends of temperance every where will be found battling in our ranks.

We live in a glorious land; and all of us who are assembled here have been born, in the language of the Declaration of Independence, free and equal. Let us transmit our privileges to the latest posterity, by sustaining Democratic principles and Democratic men.

On the present occasion, I have addressed myself to your understandings; and the patient attention with which I have been heard by this vast multitude, is to me the highest reward.

TO MR. MIFFLIN.[1]

LANCASTER 20 August 1840.

DEAR SIR,

When I wrote to Mifflin & Parry this morning, I desired to say something more than I did; but concluded it would be best to address you in a separate letter.

I have been an attentive observer of the course of the Pennsylvanian, and I cannot say that I believe it has ever done me common justice. From the time that you demanded a pecuniary compensation from Mr. Plitt for publishing my speech in defence of General Jackson on the French question, down to your suppression of the toasts in my favor at the Dallas dinner, your want of friendship for me has been uniformly displayed, upon every important occasion. During the late session of Congress & ever since, whilst I have been violently assailed & misrepresented by the Whig Press of Philadelphia, the Pennsylvanian has preserved its consistency & has scarcely ever published any thing in my defence. I might advert to many other particulars, such as its total silence about my late enthusiastic reception at Baltimore, as if unwilling to inform the Democracy of the State, in what manner their persecuted Senator was regarded by the Democracy of a sister & neighboring State; but this is unnecessary.

Identified as I have been with the Democratic party & traduced every where for my support of Mr. Van Buren & Democratic principles, I might have expected different conduct at your hands. Policy might even now induce me to pass these matters by with silence, when addressing the proprietor of a powerful Press; but it has always been my motto to use the utmost frankness especially towards political friends, & I have determined not to depart from it on the present occasion.

Yours very respectfully

JAMES BUCHANAN.

BENJAMIN MIFFLIN ESQ.

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[1] Buchanan Papers, private collection.

TO PRESIDENT VAN BUREN.[1]

LANCASTER 25 September 1840.

MY DEAR SIR,

I arrived here from Western Pennsylvania on Wednesday evening last broken down in voice and so hoarse that I fear I shall not again be able to take the field until after our first election. The effort of frequently addressing immense multitudes of people in the open air is more severe than I could have anticipated. In these addresses I thought it politic to adopt a new course and instead of confining myself to a defense of the administration I have endeavored, without giving personal offense, to carry the war into Africa. Wherever I spoke great numbers of Whigs came to hear me. But enough of myself.

The Counties of Pennsylvania west of the Allegheny will all do much better for you than in 1836, with the single exception of Allegheny County, and there the changes are every day in our favor. Most powerful efforts are making in that County by Wilkins, Shaler, M'Candless, Hamilton and others. Bye the bye, Wilkins from the increase in the value of property has become a man of independent fortune and now resides on a most beautiful and valuable farm within six miles of Pittsburg in a fine house, which is the seat of hospitality.

Of the result of the election in Pennsylvania there is not the least doubt; but we wish to carry it by such a majority as will produce a moral influence on other States. The Whigs, I presume, for the purpose of preventing this effect, have taken up no ticket in several of our strongest Democratic Counties. Our great effort must be to keep the excitement up among the Democrats between the first and the second election.

Since I left this place, I have conversed with many of our friends from Ohio; and without a single exception they express a firm conviction that we shall carry that State. The excitement there seems to be without a parallel. It would seem almost that the whole population have abandoned their ordinary business for the purpose of electioneering.

Col. Smith, of Buffalo, with three beautiful Volunteer Companies attended the Erie Convention. He made us an excellent speech and expressed much confidence in regard to the vote of New York.

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[1] Van Buren MSS., Library of Congress.

It will be an astonishing event should any of the Southern States, after the recent developments on the subject of abolition, give its vote for Harrison.

Should I recover my voice in time, it is my present intention to make a campaign into the Jerseys. It is my determination to exert myself to the utmost of my power in a cause which is that of the people against a corrupt and corrupting monied Aristocracy.

In the Counties west of the Mountains and North of the Ohio River Governor Porter is extremely popular and he has exerted his influence with much effect in support of the good cause. Indeed every where, unless it may be in the City and County of Philadelphia and partially in Westmoreland he is very strong with the Democratic party.

The news from Maine gave me a chill; but it has passed away.

Thomas Hamilton of Pittsburg is an applicant for the Office of District Attorney of the Western District of Pennsylvania. He is a sound lawyer, a respectable man and an active and efficient politician. He would be a good District Attorney. In saying this, however, I do not mean to unsay any thing which I have written in favor of Judge Shaler who is now making constant and able efforts in behalf of the cause and who as a lawyer and advocate is second to no man in Western Pennsylvania. I think it would be prudent to delay the appointment until after the election. I do not intend to interfere in it.

With sentiments of the highest respect, I remain

Yours sincerely

JAMES BUCHANAN.

HIS EXCELLENCY
MR. VAN BUREN.

TO MR. HOOD.[1]

LANCASTER 7th November 1840.

MR. ALEXANDER H. HOOD

SIR/

Since my return from Philadelphia this afternoon, the Union of Tuesday last has been shown to me by a friend, containing the following passage.

[1] Buchanan Papers, Historical Society of Pennsylvania.

"At a meeting held last week in Philadelphia, 'a distinguished Senator' (we presume Mr. Buchanan is the personage intended) made use of the following language; 'I believe General Harrison will be defeated by constitutional means, yet if these means are insufficient, if the ballot box should fail, *I for one would resort to the rights & the arms which nature gave me.*'"

Now, Sir, the Public Ledger from which you profess to quote does not state that such language was used by any Senator *in Philadelphia*, nor was the name of General Harrison mentioned in it at all. Besides, it is known to every person conversant with the Public Journals of the day that this remark has been extensively attributed to Col: Preston of South Carolina in a speech said to have been made by him at the Log Cabin in Richmond, Virginia. I referred to it myself as reported by Mr. Greenhow in my published speech at Lancaster on the 5th of August last, and also in my recent speech at Philadelphia; & on both occasions condemned it in the strongest terms. You have now converted me into the author of this sentiment myself.

Devoted as I am to the most extensive liberty of the Press, I had fondly hoped that no occasion might ever occur which would render it necessary for me to appeal to the laws of my Country for redress against an unfounded charge. I consider this charge, however, as one of such a grave & serious nature as to render it indispensably necessary that I should vindicate my character from it; but before resorting to such a remedy, I have thought it right in the first place to appeal to your own sense of justice to correct it in the next number of your paper.

In order to give you all the information in my power I enclose you a copy of my speech at Lancaster wherein you will find the same quotation from Mr. Preston's speech as that contained in the Public Ledger with my comments.

Yours very respectfully

JAMES BUCHANAN.

TO PRESIDENT VAN BUREN.[1]

Lancaster 18 November 1840.—

My dear Sir/

The best mode which I can adopt of serving Col: Wright is to send you his letter, although it was evidently not intended to be used in this manner. The Colonel possesses handsome abilities & has been your active, untiring & efficient supporter during our late disastrous campaign. I know this fact from my private correspondence with him as well as from the Public Journals. He is a member elect of the Senate of Pennsylvania, & well deserves your kindly notice. I need scarcely add that your compliance with his request would be personally gratifying to me.

I never was so much astonished or disappointed as at the result in Pennsylvania. I had devoted nearly my whole time to the election after my return from Washington; and relying on the information which I received from friends in different portions of the State who never had been deceived before, I calculated confidently upon a handsome majority.—But it is useless to indulge in vain regrets. Your great measure will stand the test of time & will finally triumph over every obstacle.

The Whigs & Anti-Masons of this State are now gloating over the prospect of driving me from the Senate. Little do they know how regardless I am of any thing which they can do against me. Let them instruct me to vote for a national Bank, and I shall glory in my political martyrdom.

from your friend
very respectfully

His Excellency James Buchanan.
Martin Van Buren.

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[1] Buchanan Papers, Historical Society of Pennsylvania.

REMARKS, DECEMBER 23, 1840,

IN FAVOR OF PENSIONING THE WIDOW OF A REVOLUTIONARY OFFICER.[1]

Mr. Buchanan said he voted for the passage of this bill last session, and he intended to vote for it again; and while he avowed that intention, he took the opportunity to say that it was his purpose on all occasions to watch the expenditures of the Government, and to vote for no measure *for which he could not vote with a strict sense of justice*. It was said to be a new principle in our law to grant pensions to widows of men who had rendered service to their country; but he affirmed that it was an old national principle, and not only in our system, but in every other country he believed; certainly in all those civilized countries with which he was acquainted. Why, if an officer of our army went to the battle fields of Florida, and served but a single day, what was the consequence? Why, his widow received a pension. The death of a husband, immolated in the service of his country, had in it a sufficient justification for the grant. This was the universal rule which pervaded the civilized world; and he was not certain that in this country it ought to be confined to this single case. Right or wrong, Congress had provided that the widows of Revolutionary soldiers, who were married when their husbands were in the service of the country, should be pensioned, and with strong reason; but they had gone further, and granted a pension to every lady who had married a Revolutionary soldier up to 1794. He was pretty much of the opinion with the Senator from New York in regard to that, but as it had been made, he was not disposed to quarrel with it. But how could he justify himself if he said that the widows of those who came forward to serve their country in the hour of its utmost need should not be entitled, by such meritorious service, to a pension, when the widows of those who served but six months, and those who married prior to '94, were so provided for? Could they say that those who sacrificed their all should not be provided for, while those who came in when the danger was nearly at an end were now drawing pensions from the country; and who, perhaps, were reaping advantages in civil life by the glory which their military service gave

[1] Cong. Globe, 26 Cong. 2 Sess. IX. 51. The measure before the Senate was a bill to pension Hannah Leighton, whose first husband was Isaac Davis, who was killed at Concord, April 19, 1775. After Davis's death, she was married to a person named Leighton. At the time of the debate she was said to be ninety years old and penniless.

them? Should, then, the women who were the partners of our soldiers at a time when they were called upon to sustain privation and sufferings in their country's defence, be denied assistance and compensation? If so, there would be neither justice, nor equality, nor right in the denial. Now, as to the burden on the Treasury, he could not think it would be very great. The claims went back to '83: that was fifty-seven years ago; the period of marriage in this country, he believed, was about twenty, and that would make any lady now living seventy-seven years of age, and there could not be many such. He confessed, with his principles and feelings, he could not give his vote against this old lady's claim, and he did not fear that it would be setting a bad precedent; and he could not conceive how any of his married friends could refuse to provide for this poor old widow, who had peculiar claims on them for protection.

The question was then taken on ordering the bill to be engrossed, and decided in the affirmative, yeas 29, nays 13; Mr. Buchanan voting in the affirmative.

REMARKS, DECEMBER 28, 1840,

ON COMMERCIAL RECIPROCITY.[1]

Mr. Davis presented a memorial from the inhabitants of Newburyport, Mass., praying for the repeal or modification of the act of 29th May, 1830, regulating commercial intercourse between the United States and certain British colonies, and moved that it be referred to the Committee on Foreign Relations. He spoke in support of the prayer of the memorial, but was inaudible at the Reporter's desk.

Mr. Webster spoke, advising that great care should be taken by the Committee on Foreign Relations in considering the subject of the memorial. Mr. Davis said that there were instances where reciprocity treaties, instead of affording reciprocal advantages, drove merchants entirely out of the trade, thus showing "the necessity of an examination of a system, as suggested by his colleague [Mr. Webster] which was of very doubtful policy, as regarded the interests of this country."

Mr. Buchanan then said, certainly this was a very important

[1] Cong. Globe, 26 Cong. 2 Sess. IX. 59, 60.

subject; it was a request to change that policy of the country which they had been endeavoring to carry into effect with all foreign nations since the year 1815. That it was disastrous in some respects, particularly in regard to our commerce with some of the Hanse Towns, there could be no doubt; but why refer it to the Committee on Foreign Relations? It was a subject peculiarly relating to the commerce and navigation of the country; and the question was, how have these treaties of reciprocity operated on those two great interests, which in that body were exclusively committed to the Committee on Commerce? It was not a subject connected with their foreign relations, except incidentally; and he moved, therefore, that it be referred to the Committee on Commerce, which was its appropriate reference.

Mr. Davis had moved its reference to the Committee on Foreign Relations, because it referred to a conventional agreement of the treaty-making power between the British Colonies and the United States. If, however, it would more appropriately go to the Committee on Commerce, he was willing that it should go there.

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Mr. Buchanan trusted that it would not go to the Committee on Foreign Relations. The question was, whether it was advisable to renew our treaty with Great Britain—whether, when this treaty shall expire, it shall be renewed again? These Newburyport merchants say it ought not, in their opinion, and who was to decide that question? It would be necessary to take a general and broad view of the effect of this treaty on the commerce of the country; and to decide that important question, it should be referred to a committee acquainted with the subject. How could the Committee on Foreign Relations determine a question respecting the effect produced on their commerce? If it were sent to them, it would be sent to a committee the members of which were supposed not to have entered into its consideration at all, while the Committee on Commerce, during the entire session, were in the daily consideration of questions exclusively connected with it, and therefore he again hoped it would go to the Committee on Commerce. But he had another remark. If this subject was to be investigated as it ought, and as its importance required that it should be, it could not possibly be done so as to make a satisfactory report at the present session. They would have to go back through a variety of sources to ascertain what effect these reci-

procity treaties had had on our commerce, and this information could not be collected in the six weeks or two months the Congress would be in session. And then the country must have time to reflect on it after it was collected, and in the expectation that this memorial was to be sent to a committee, the members of which were not conversant with the subject, he had no hesitation in saying that it was idle and vain to suppose they could accomplish anything this session. He thought the Committee on Commerce might be in possession of information on this subject, and might, therefore, be able to make a report at the present session, though he much doubted; but he was satisfied nothing could grow out of the reference to the Committee on Foreign Relations.

The Senate then divided on the question of reference to the Committee on Commerce, which was decided in the affirmative by a vote of 19 to 9; and the memorial was ordered to be printed.

1841.

REMARKS, JANUARY 4 AND 5, 1841,

ON THE DISPOSITION OF THE PUBLIC LANDS.[1]

[Jan. 4.] Mr. Buchanan said that we ourselves soon forgot what had passed in this body. It is not yet three years since this very question was argued at considerable length, and solemnly decided by the Senate. When the last pre-emption bill was under consideration, in January, 1838, the Senator from Maryland [Mr. Merrick] had moved to exclude foreigners from the benefit of its provisions; and after much debate his motion was negatived. From the investigation which then took place, the fact was established, that from the very beginning of our land sales, foreigners had always been permitted to purchase the public lands in the same manner as if they were our own citizens. No inconvenience had ever, to his knowledge, resulted from this practice. No person even now proposed to change it. This was the established policy of the country. The attempt now made was not to prevent foreigners from purchasing the public lands, but from acquiring the right of pre-emption. For his own part, he thought that the alien who came to this country, traversed

[1] Cong. Globe, 26 Cong. 2 Sess. IX., Appendix, 22, 23–24, 24–25, 26, 27.

the Atlantic States, and made a settlement with his family in the wilderness of the far West, ought not to be excluded from the privilege of purchasing at the minimum price, in preference to all other persons, the small tract of land which he had improved, merely because he had drawn his first breath in a foreign land. In this particular he ought to be placed on the same footing with our own citizens.

The uniform practice of selling the public lands to foreigners interfered with no right of any of the States, no matter whether aliens were permitted to purchase lands under their laws or not. The title thus acquired by the alien would be good against all mankind except the sovereign State within whose limits the land was situated. If under its laws aliens could not hold real estate, the State might forfeit it by the common law process of escheat. None of the new States had ever adopted this course. On the contrary, they were all glad that emigrants from other countries should purchase and cultivate these lands. He was, therefore, prepared, both on principle and on policy, to vote against the amendment of the Senator from North Carolina, [Mr. Mangum.]

Mr. Clay of Kentucky said it was very true that this question, as had been observed by the Senator from Pennsylvania, had been raised some years ago; and he also believed, beyond the mountains, aliens were allowed to hold land, but he also believed that there was some condition required in almost all the States—in some of them, a residence of two or three years. Now it might be a question whether they should extend the privilege except to those holding by State authority—and aliens who hold were not entitled to a vote—but he [Mr. Clay] was opposed on principle to the proposition that aliens should be invited from every portion of the habitable globe, to take possession of the public lands on terms so peculiarly favorable as were proposed by this bill.

Whilst a man is an alien, owing allegiance to any foreign power, he ought not to exercise the right of franchise in our country; nor ought either the serfs of Russia, or the subjects of Austria, or of England, or France, bound by their allegiance to a foreign potentate, to be allowed, until they renounced their fealty to their original potentate, to enjoy the privileges of American freemen. On this question he hoped, neither there nor elsewhere, would there be any diversity of opinion, whatever there might be of the necessity of a greater or less restriction in the acquisition of the rights of an American citizen in the different

stages of the national progress, in its infancy and maturity. There was another point on which there ought not to be any diversity of opinion. Though it might be the practice of our Government to sell the soil of our country alike to aliens as to citizens, there should not be extended an invitation to aliens to come and purchase our lands; and yet such would be the effect of this bill. It was a question of sound policy whether they would hold out to all, without or within this country, these peculiar privileges of pre-emptioners. He [Mr. Clay] should conform his vote to that which he had given this question three years ago.

Mr. Buchanan said that like the Senator from Kentucky [Mr. Clay] he would most cordially adhere to the vote which he had given on this question three years ago. He agreed with the Senator, that until a foreigner became a citizen, he ought not to be permitted to exercise the elective franchise. But the present case was far different. What, after all, was this privilege of pre-emption about which we had heard so much? Was it a gift of the land? No. Was it a sale of the land below the ordinary price fixed upon it by the Government? Certainly not. What then was it?

We had ascertained by long experience that the public lands, from some cause or other, do not command at public sale on an average more than two or three cents per acre more than the minimum price. The reason of this we may easily conjecture. The bands of speculators who attend these sales combine for the purpose of keeping down the price to the minimum standard. They are thus enabled to obtain the choice tracts at but one or two cents above one dollar and twenty-five cents per acre. Now what is the great privilege which we confer by this bill? It is nothing more than this;—that the man who goes into the wilderness—selects a quarter section of land—erects his log cabin upon it, and brings it into a state of cultivation, shall not be turned out of house and home by any greedy speculator who may have cast his longing eyes upon it. This spot of land is not offered at public sale, but is reserved for the actual settler, *provided he pays for it in cash at the rate of one dollar and twenty-five cents per acre*. The Government may thus, by possibility, lose one, two or three cents on each acre, in securing to this poor man his selected home. This is the sum total of the benefit to him and the loss to the Treasury; without bringing into the account the advantage which the country derives from having its vacant lands settled and cultivated by a brave and hardy population.

Now, in regard to aliens. The Senator has admitted that, from the origin of the Government until the present day, they have been permitted to purchase the public lands of the West, either at public sale or by private entry. This fact is incontrovertible. Then why make an odious distinction against foreigners in this particular case? If you permit them to purchase in every other form, why deny to them the privilege of purchasing as pre-emptioners? The alien who flies from oppression at home, and makes his way into the far West, and there fixes his habitation, at the same time places his body as a barrier against the attacks of the savage foe which your policy has collected on that frontier. Such aliens thus furnish stronger evidence of their fidelity to the country, and of their intention to become citizens, than they could do by a mere declaration to this effect, under the naturalization laws, though, he presumed, such a declaration was made by them in almost every instance. A man who merely does this may change his intention before he becomes a citizen; but the man who makes a settlement on the public land, and purchases it from the Government, thus identifies his own fate and that of his family, for weal or for woe, with our Government. From such men we have nothing to apprehend. And shall we suffer even the alien speculator, who has no intention of ever becoming a citizen, to purchase the humble dwelling of this poor man, and drive him out of possession? Such might often be the case, if it were not for your pre-emption laws. For my own part, I shall always most cheerfully, as long as I shall be honored with a seat in the Senate, grant this trifling privilege to the actual settler, whether he has emigrated from the old to the new States, to improve his condition, or has fled from oppression in the old world, to live under the protection of our Republican institutions.

[Jan. 5.] Mr. Buchanan could not have supposed that the few incidental remarks which he had made on the question which was yesterday decided by the Senate, would have brought out the Senator from Kentucky, [Mr. Crittenden] or any other Senator, in reply to-day. He had no right, however, to complain of this, and was only sorry that he (Mr. B.) was now compelled, in self-defence, to make a few observations in reply to his remarks. It had been his purpose not to utter a single word on the general subject of pre-emptions, which had been so often discussed by him before; but to content himself by merely giving his silent vote in favor of the bill.

Mr. B. should neither vote for the first nor the second clause of the Senator's amendment. He went against the whole and each of its parts. In relation to the first clause, he held that the foreigner who penetrated to the Western frontier of our vast country, and there settled upon and cultivated a tract of land, presented the clearest proof, and that by the most decisive actions, of his intention to become a citizen of the United States. How can it be contended that this was no proof of such an intention? The whole conduct of such a man manifested that he was determined to live and to die by the soil. In what other manner could he give stronger proof of his devotion to our institutions than to have transferred his home from his native country to the far West, and there to have felled the forest and erected a dwelling (he would not say a log cabin, for he had no reason to be remarkably partial to that name,) for himself and his family? He thus acquired, not the title to the tract of land which he had selected, but merely the right to purchase and pay for it at the Government price, in preference to all other persons. If he should prove unable to do this, his labor was all forfeited. Mr. B. could assure the Senator, that from such aliens as these, he need apprehend no danger of foreign influence. These pioneer farmers were not the men from whom we had any thing to dread. He should never consent to destroy the title of such a man, after he had paid for his land, and thus to render all his toils and privations unavailing, merely because through negligence he might not have gone to a court of justice, and made a formal declaration of his intention to become a citizen of the United States, before his actual settlement commenced. No, never! His judgment and his feelings would equally revolt against such an act.

He (Mr. B.) could not understand the opposition which had been manifested in certain quarters to foreigners, who had sought a refuge and a home in our country. Had they not materially assisted in achieving our independence? In the days of the Revolution no such jealousy was felt towards the brave Irishmen, Frenchmen, and Germans, who, side by side with our native citizens, had fought the battles of liberty. On the contrary, he had no doubt, it was from a grateful sense of these services, that it had ever been the settled policy of the Government to allow them to purchase our vacant lands upon the same terms with American citizens.

Was there no reason for pursuing the same policy at the

present day? Was it not clearly our interest as a nation to permit such emigrants to purchase and possess our vacant lands, and thus establish a line of defence on our frontier against the incursions of the savage enemy? This was a wise policy which he trusted might never be abandoned.

But the Senator [Mr. Crittenden] made light of the danger from the hordes of savages, which, wisely or unwisely, had been collected on our Western frontier; and he thought it was degrading to American citizens to be protected and defended by any foreigner not yet naturalized.

Mr. B. believed that the danger was one which might well be apprehended even by the bravest men. Some twenty or thirty thousand Indian warriors, he did not recollect the number exactly, now occupied the country along the Western line of the States of Missouri, Arkansas, and Louisiana. There they were, and there they must remain, or the national faith must be violated. They had been almost literally driven to that frontier from their native homes in the interior of the States, with all the hostile feelings and wounded pride which our conduct towards them naturally inspired. At any time, at all times, there was danger of a united war being waged by these savages against our frontier settlements. We all know that it is the nature of the Indian to brood over his vengeance, and to strike the most dreadful blow when his enemy least expects it. Was it not then clearly the policy of the Government to increase the number of inhabitants on that frontier? And if an Irish, a German, or a French emigrant thought proper to settle there, was he (Mr. B.) to be censured for having declared that their bosoms would become bulwarks against the incursions of our savage enemy? These brave men would always be ready to die in defence of those possessions which this Government had permitted them first to improve and then to purchase.

But the Senator thought it would be degrading to Americans to resort to such a defence. Mr. B. well knew that "the blood of Douglas could protect itself." He knew that our own citizens could defend their country: but how they could be degraded by fighting in the same ranks with foreigners, as our Revolutionary forefathers had done, he was utterly at a loss to conceive. This was a species of exalted pride which he could not understand. And this, too, when these foreigners, united with our own citizens, were defending their common possessions and their homes. It was certain that such men would become citizens as

soon as they could under our naturalization laws; but if any of them, either ignorantly or from negligence, had omitted to make a formal declaration of their intention to this effect, he would never deprive them of their privilege of pre-emption, and drive them from their homes for this reason. He could not, therefore, give his support to the first clause of the Senator's amendment. On the second clause of the amendment, he should say nothing; as he did not deem it necessary, and would not, therefore, protract the debate, into which he had entered with much reluctance.

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Mr. Buchanan would say a few words in reply. The Senator from Kentucky is a good logician, and, unless he were closely watched, would get the better of his antagonist even in a bad cause. His sophistry upon the present occasion consists in attempting to infer from my argument that I was in favor of substituting an actual settlement upon a tract of the public land for the declaration of intention required from every foreigner before he can become an American citizen. It would be very easy for the Senator to triumph, if he were permitted to substitute his own forced inference, for my express declaration to the contrary. With this view, he triumphantly asks if I would be willing to change our naturalization laws by rendering a residence on our vacant lands equivalent to the declaration of intention which these laws require? Now, I ask him in return, have I ever said that I would? Have I ever intimated any such intention? On the contrary, have I not expressly declared that I would not grant to any foreigner the elective franchise until he had become a naturalized citizen under our laws? Whilst I should not, with the Senator from Kentucky, deny to the foreigner the right of the pre-emption which he has fairly acquired by the dangers and privations encountered in making a settlement on your remote frontier, I would not, for this reason, confer upon him the high political privileges of an American citizen. The Senator's argument, therefore, in this particular, falls to the ground. It has no foundation, in any thing which I said, to rest upon. The right of pre-emption is one thing; but the high privilege of becoming an American citizen is another and entirely different matter.

And what, after all, is this great privilege of pre-emption? To what does it amount? What is its intrinsic value? It is merely a contest between the speculator and the actual settler, as to whether the former shall be permitted to purchase the spots

of land improved and rendered valuable by the toil of the latter. Our experience has demonstrated that the average excess of the price of the public lands advertised and sold at public sale, in pursuance of the President's proclamation, is not more than two or three cents per acre above the fixed price of the Government at private sale.

What, then, is the privilege granted to the settler who goes into the wilderness, clears away the forest, and there establishes his home? Does this bill offer such a man a donation? Not at all. Does it give him the land as a bounty? No such thing. The privilege it confers is that he shall not be driven from his humble home by the speculator. This *mighty* privilege is that he shall pay for his land the price fixed by law, which may be less, by two or three cents per acre, than it would command at public sale; and that after he has paid for it, he shall hold it. And why, at this late day, for the first time in your history, should you make an odious distinction, in this small matter, between the settler, who had drawn his first breath on the other side of the Atlantic, and the American citizen? No such distinction had ever existed heretofore, and no complaint had ever been uttered by those directly interested, that this trifling privilege had been conferred upon foreigners. If the Senator had carefully read the history of his country—I mean on this particular point—I myself have not, but the fact has been furnished to me by one who has—what would he have found in relation to these now despised foreigners?

[Here Mr. Crittenden denied that he had spoken of them as "despised foreigners."]

Mr. Buchanan said, I know he has not; but if he had understood the honorable Senator correctly, he had spoken with indignation against using the bodies of foreigners as a barrier on our frontiers against the incursions of the savage foe, and considered it a degradation to our own citizens to invoke the aid of such defenders. If the Senator had read the history of his country, he would have found that the Revolutionary Congress, "in the times that tried men's souls," had invited those foreigners to enlist under our banners, and had offered them not a mere pre-emption right, but a bounty in lands, with the privilege of at once becoming American citizens. Here Mr. B. read the acts of Congress of August 14th, and August 27, 1776, from the first volume and first page of the land laws. These acts manifested the estimation in which foreigners, who were willing to

fight in the cause of independence, were at that day held by the Revolutionary Congress. He could not be mistaken in believing that it was far different from the estimate now placed upon them by the Senator from Kentucky. Now, said Mr. B., I desire to make no political capital out of any question of this nature. I wish only to act towards those foreigners who may have settled or shall settle upon our public lands, upon the principles of eternal and immutable justice. Nothing more. From the beginning it has been our policy to permit foreigners to purchase and settle upon the public lands, and I shall not now, for the first time, establish an odious distinction against them, in a pre-emption bill. I will not now, at this late day, repeal the established policy of the country, but in this particular shall pursue the system adopted by the wisdom of our predecessors.

But the Senator has asked me why I am so willing to accord these privileges, and yet am "so jealous of foreigners holding a little stock in a petty little bank." This question I shall endeavor to answer. Sir, said Mr. B., this is the class of foreigners who do produce alarm in my mind,—they excite my terror. [Mr. Benton: "Yes, the millionaires."] These are not the men who fly from poverty and oppression abroad, and settle in our country to share in its toils as well as its advantages. They are not the poor pre-emptioners of the West, who have indissolubly fixed their fate with ours, and have no other human hope but to live and die upon our soil. No, sir, no. Very far from it. The foreign stockholders in our banks have no intention of becoming American citizens. Their object is to increase their own fortune by the spoils of our land, to suck our young life blood for the purpose of strengthening and invigorating the decaying institutions of other countries. They seek to acquire a political influence over us, that they may turn it to their own advantage and our destruction. Of such a foreign influence I confess that I am jealous. I firmly believe that the day on which you shall establish a new National Bank in this country, with a capital of one hundred millions of dollars, and with the power of spreading its branches over every portion of the Union, and more especially if you shall permit foreigners to hold the stock, will be the darkest and most portentous which has ever shone upon the Republic. From that day we shall most probably forfeit not only our liberty but our independence. You will then concentrate and fortify a central money power, foreign and domestic, in this country, which will exercise a controlling, an overwhelming influence over its

destinies. Senators themselves may live to rue the day when they called such a vast, such an irresponsible power, into existence. It is such a foreign influence that I dread, and not that of the "log cabin men" of the far West, (I thought I never should have used the expression,) whose fortune and whose fate are necessarily identified with that of the country. It is the foreign millionaire, who seeks to control the politics of the country for the purpose of promoting his own interest and increasing his own fortune, of whom Republicans here and everywhere ought to be jealous.

The Senator had said, and he appeared to place some stress on the argument, that our vast country beyond the Rocky Mountains might be settled by foreigners under this law, and they might sell it out to every body and any body they thought proper. But this country could not be settled under the provisions of the present bill, until the Indian title should be extinguished; and when the Indian title shall be extinguished in that region, Congress may then establish such laws for its settlement as may be suitable to its condition. The Senator has gone far away for this argument. It will be a long time, notwithstanding the sanguine expectation of some Senators, before this can become a practical question. Before that day, it is probable that both the Senator and myself will have passed from the theatre of public action. In regard to this remote question, which has been invoked as an argument to affect the present interests and policy of the country, he would answer, in the words of the other Senator from Kentucky, [Mr. Clay,] on a late memorable occasion. When he was appealed to a few days ago to inform the country what he intended to introduce as a substitute for the Independent Treasury, in case he should succeed in repealing it, his answer was, "sufficient for the day is the evil thereof." We must not look too far ahead. When the time shall arrive for considering the Oregon question, I hope there will be sufficient wisdom in Congress to settle it aright. We are yet far on the eastern side of the Rocky Mountains; and hordes of Indians occupy the intervening space.

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Mr. Buchanan said the Senator from Kentucky should not transfer this battle to the west of the Rocky Mountains. With his good leave we shall keep for the present on this side of them. The present contest was on the Indian frontier, and regarded the

rights which foreigners ought to acquire by settling and cultivating lands within the limits of our existing States and Territories, and not beyond the Rocky Mountains. And now, after all this discussion, what was the difference between the honorable Senator and himself? Why, sir, he has come more than half round. He has now become a good pre-emption man, and is in favor of granting the right of pre-emption to all foreigners, provided they have declared their intention to become citizens. But suppose the case of a poor ignorant foreigner, not acquainted with the laws of his adopted country, who has gone upon your public land, cleared away the forest and erected a home for his wife and his children—I ask, would you deprive such a man of all the benefits of this bill, merely because he had omitted to make a formal declaration of his intention to become a citizen? I ask the Senator to say whether such a man, for such a cause, should forfeit his right to become the purchaser of this tract of land in preference to any hungry land shark who was ready to pounce upon it as his prey? The question between us has been narrowed down to this point at last. Now I appeal to that gentleman's own heart, to say whether he would not decide it in favor of the foreigner. I know and feel that he would. He can entertain no serious purpose that such a settler should forfeit his right. I am sure he does not. And what, then, is all the mighty difference between us? After all our replies, and rejoinders, and surrejoinders, the whole argument dwindles down to a mere question of tweedledum and tweedledee. Can the Senator make more of it? He is willing to place the foreigner upon the same footing with our own citizens, and grant him every right of pre-emption which they enjoy, provided he has gone through the form of placing upon record the declaration of intention required by our naturalization laws. I go one little step further, and hold that the foreigner, by making his way to the far West, and settling upon the public land, manifests, by actions which speak louder than words, even a stronger intention of becoming an American citizen, than if he had merely made the formal declaration required; and in such a case, I ask, should he forfeit his privilege on account of this omission? Sure I am that if the honorable Senator from Kentucky were constituted the judge, and this question were left to his decision, he would answer, emphatically, no! He would never decide that the foreigner who has settled on the public land since June, 1840, upon the faith of your past legislation, or who shall settle upon it hereafter,

shall forfeit his privilege of pre-emption, and be driven with his wife and children from their home.

The Senator has done me injustice in another respect. I never either said or insinuated that I would proclaim to the world that we wanted foreigners to come and settle amongst us, that they might protect us from danger. What I did say was, that it had long been the national policy, and one which I considered sound and wise, to encourage the settlement of our frontier as speedily and as densely as possible; and if this should be done in part by foreigners, then, in the hour of danger, their bodies would be our bulwark against a savage foe, just as surely as the breasts of our own citizens. I cannot vote for his amendment, because I am unwilling that an ignorant man, who may have acquired an equitable title to a pre-emption, shall forfeit it for want of having gone through a legal form.

Mr. Crittenden. I am anxious to escape from any further participation in this controversy; but, according to the usages of the Senate, as I have offered an affirmative proposition, it is necessary and proper that I should have the last word. The only disingenuous thing which the honorable Senator has said is contained in his last remark, that I am coming round, and, if my amendment prevails, shall vote for the bill. No: I am not committed to vote for granting a pre-emption to anybody.

Mr. Buchanan. I did not say that the Senator would vote for the bill, for I am sure he will not. I said he would put foreigners on the same footing with American citizens, if they would only declare their intention to become such.

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Mr. Buchanan said he should like to understand how the amendment stood; for, as he understood it, the Senator from Kentucky [Mr. Crittenden] by accepting the proposition of the Senator from Michigan [Mr. Porter] had substantially yielded the point in discussion between them.

Mr. Crittenden then said he would prefer taking the question on the amendment as he had originally presented it.

REMARKS, JANUARY 8, 1841,

ON THE NORTHEASTERN BOUNDARY.[1]

Mr. Walker submitted the following resolution for consideration:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of causing to be procured and submitted to the Senate, copies of the debates in the British Parliament, prior to the year 1820, in relation to the Northeastern boundary of the United States, and copies of land titles emanating from the British Government repugnant in the calls of said titles to the boundary now claimed by said Government.

Mr. Buchanan said that as this resolution was one of mere inquiry, it might appear discourteous towards his friend from Mississippi [Mr. Walker] to oppose its adoption, and he should do so with great reluctance. If it were pressed, he would, therefore, probably vote for it, although it appeared to him to be a singular duty to impose on the Committee of Foreign Relations. Unquestionably the debate in the British Parliament, to which it referred, was one of great importance. It proved that shortly after the original treaty was concluded, British statesmen of all parties agreed that the line designated by it included within the limits of the United States the territory now in dispute between the two Governments. But why should the Senate be made the instrument of communicating this debate to the public? Such a course was unprecedented, so far as his knowledge extended. This was information proper for the public, and it might be communicated, like all such information, through the agency of the public press. He thought this would be the best and most appropriate course; and unless his impression should change, he would act upon this opinion, as a member of the Committee on Foreign Relations, should the resolution be adopted.

He was glad of the present opportunity of saying a few words on another branch of the subject. It had been expected by some persons that the report of Messrs. Mudge and Featherstonhaugh would be noticed by the Committee on Foreign Relations. That report was a tissue of sophistry from first to last, which might be easily exposed; but so far as his information extended, it had never been officially recognized by the British Government. In this state of the case he did not believe it ought to be made the subject of any report from the Committee on

[1] Cong. Globe, 26 Cong. 2 Sess. IX. 91–92.

Foreign Relations, and therefore he had never called the attention of the committee to it. Besides, it was well understood that negotiations were now pending, and were nearly brought to a happy conclusion, for referring the final decision of this question to commissioners mutually chosen by the two Governments, with such an ultimate provision, in case of their disagreement, as must settle the question. Under these circumstances, he thought it would be improper for the Senate to interfere.

REMARKS, JANUARY 18, 1841,

ON AMERICAN WATER-ROTTED HEMP.[1]

The President submitted a report from the Secretary of the Navy in reply to a resolution submitted by Mr. Benton, some days since, in relation to the use of American water-rotted hemp in the navy of the United States.

Mr. Benton moved that the report be printed, and referred to the Committee on Naval Affairs.

Mr. Buchanan expressed his gratification that the Senator from Missouri [Mr. Benton] had introduced this subject to the attention of the Senate and the country. He himself, a number of years ago, had procured some hemp to be water-rotted in Lancaster county, Pennsylvania, the place of his residence, and to be sent to the navy yard in Philadelphia. After trial, it was found to be fully equal, if not superior, to the best Russian hemp. The process of water-rotting had, however, been abandoned in that county, in consequence chiefly of an impression that it was unhealthy.

Mr. Myerle had written him several letters on this important subject. That gentleman, with a perseverance and energy which deserved all praise, had introduced extensively in Kentucky the process of water-rotting. He had conquered the prejudices which heretofore existed against it, and had, as he states, demonstrated that it was not unhealthy. This was a most expensive operation, in which he had risked his all; and he had thus rendered great service to his country. Why should we be dependent upon foreign nations for the article of water-rotted hemp, which is essential both to our navy and to our merchant service? Mr.

[1] Cong. Globe, 26 Cong. 2 Sess. IX. 107.

Myerle had demonstrated that our countrymen could supply this article in abundance. He had sent Mr. B. a specimen of his hemp, which had been submitted to those who were judges of the article, and had been pronounced equal to the best Russian hemp.

After Mr. Myerle had embarked his all in this business, it would be highly unjust to deprive him of the benefit of his exertions. The Navy Department, according to the existing laws, would be bound to grant the contract for American water-rotted hemp to the lowest bidder. It might thus happen, and Mr. Myerle was apprehensive it would happen, that some individual, taking advantage of the knowledge acquired by his toils and exertions, might underbid him a trifling amount, and thus impose upon him all the labor and expense of introducing the process of water-rotting hemp, whilst all the advantages would result to another. He thought it was no more than strict justice that the Department should be authorized to contract with Mr. Myerle for a reasonable quantity of hemp at a fair price, without advertising for other bidders.

He was glad that the Senator from Missouri had moved in this business, as it could not be under better auspices.

The motion to print and refer was agreed to.

REMARKS, JANUARY 20, 1841,

ON THE DISPOSITION OF THE PUBLIC LANDS.[1]

Mr. Buchanan said that, as he was very friendly to early marriages, he could not consent to vote for the amendment; and, indeed, on a little reflection, he was persuaded the Senator from Connecticut would never find it in his heart to deprive a young fellow who was under twenty-one, and had an affectionate wife of eighteen, from getting a pre-emption right and settling down in life. As to our Western boys, he believed many of them were disposed to marry early, and he thought that those who did so, ought not to be discouraged from going into the new country.

[1] Cong. Globe, 26 Cong. 2 Sess. IX., Appendix, 196, 199–201. The bill to establish a permanent prospective pre-emption system in favor of settlers on the public lands being before the Senate, an amendment was offered which proposed to strike out the word "eighteen" and insert "twenty-one," thereby confining the benefits of the bill to heads of families, widows, and single men over the age of twenty-one years. The amendment was lost.

Give them a fair chance; and even those who were not married, let them go and erect a log cabin, and get it ready to accommodate a wife immediately after they should be twenty-one. He thought it would be rather a reflection on the Senate should they refuse so small a boon. The provision in the bill could do no harm, and he could not consent to strike it out.

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Mr. Buchanan said his opinion in regard to the existing land system of the country was, that it was based on the soundest principles of wisdom and of policy. He was as much attached to that system, and as much disposed to adhere to it with unshaken fidelity, as the Senator from Kentucky himself, [Mr. Clay.] He was in favor of no new experiments upon it, for the experience of half a century had proved that no wiser or better plan could be devised by human ingenuity. But, while these were his conscientious convictions, he was, nevertheless, of opinion that the Senator from Kentucky was alarmed at spectres. Mr. B. had witnessed with admiration the gigantic efforts of that gentleman against pre-emption at former sessions, and yet he had never begun to fear, nor did he now indulge the slightest feeling of alarm in regard to this subject. I think (said Mr. B.) that the time has now arrived when the pre-emption principle may, with the utmost safety, and with perfect justice, be engrafted on our excellent system for the management of the public domain. Does the introduction of that principle vary, in the least degree, any material portion of that system? Not at all. Does it go to reduce the price of the land? Not, at the utmost, more than three or four cents an acre. What is its nature? Gentlemen should take an extended view of the whole subject before they made up an opinion in regard to its merits. We own a vast wilderness of unsettled lands subject to sale, and at times there have been attempts on the part of speculators to monopolize it: fortunately, however, they have never yet succeeded. No fortunes have been realized in this way, so far as I have heard. In this state of things, is it not our duty, our interest, and our truest policy to encourage the settlement of the new States in the West by a hardy, industrious, and moral population? And in what does this pre-emption system trench upon, or in the least interfere with the established land system of the country? It only allows the poor man, who wishes to establish himself in a permanent home, to buy for himself a quarter section of land at

the full Government price. There is the whole of it. In consideration of the expediency and desirableness of filling up this new country with a hardy, and active, and enterprising race of settlers, we do—what? *Give* them the public land? No; but first receive from them for it a dollar and a quarter an acre, and then convey it to them in perpetuity. The difference in the receipts of the Treasury from what would be obtained for the same land at an auction sale has never been estimated higher by any person than six cents an acre; and if it amounted to that, and even more, in an enlarged view of the bearings of the entire subject, this consideration presents no objection in my mind. There are such vast quantities of land, and such a wide and ample choice, that the speculator will never be obliged to give much more than the Government price. And as to all the lands taken up by the pre-emption rights, they are, when compared to our entire domain, but as a drop in the ocean. Such, at least, has been our past experience. Heretofore, we have been very cautious to pass none but limited pre-emption bills, and we have wisely determined to put down forever the practice of granting what are called "floats," which was certainly productive of many and great frauds. We have confined the extent of the pre-emption grant to a single quarter section of 160 acres of land; and it is now proposed to make this right of pre-emption prospective and perpetual. The amendment of the Senator from Kentucky [Mr. Crittenden] proposes to extend it in regard to every man whose property does not exceed $1,000, not merely to 160, but to 320 acres of land. And I now venture to predict that, when the long proposed distribution bill of the Senator from Kentucky, [Mr. Clay,] shall become a law, (and I presume that day is not far distant,) there will be incorporated into it a provision granting to the actual *bona fide* settler a pre-emption right to at least 160 acres. Even in his own bill of 1839, unless my memory fail me, and if it does he will correct me, there was a provision in favor of pre-emption. I repeat that, while I am in favor of the settled land system, such as it now exists, pre-emption has no terrors for me.

The honorable Senator has thought proper to say something of the "wild, reckless, and ruinous legislation" which prevailed under the Administration of General Jackson; and informed us that, during that period in our history, the sessions of Congress were protracted to an unusual length. I was not a member of the Senate when what he referred to as the longest

session ever known was held; but, I ask, what was the cause of the protracted length of that session? If any one would know, let him look at the volumes—I think there are not less than six—yes, six large volumes of "panic" memorials—which were then sent up and flooded both Houses. And let him remember the long and eloquent speeches which, for the most part, accompanied their presentation, intended to convince the American people that they were the most oppressed, impoverished, and ruined nation that ever existed. And all for what? Why, simply with a view to have the deposits restored to the United States Bank. And are we to be charged with the protraction of sessions of Congress when the true cause is so manifest? General Jackson has now retired to the Hermitage, and may perhaps live to have the judgment of posterity as it were passed upon him. He was an able, sagacious, and truly patriotic man; and I now say that those of us, if there be any such, who shall survive during a quarter of a century longer, will live to see the day when Jackson's name and fame shall be cherished alike by persons of all political parties. During the late tremendous Presidential canvass, amidst all the thousand speeches which were made, who denounced him? Not one, at least in my part of the country; and I personally know at least one, and he a man formerly opposed to General Jackson, who then lauded him to the very echo. Were that distinguished man now in power, I would not speak of him the high opinion I entertain; but now, when praise from me or any one else can no longer be suspected to proceed from selfish motives, my heart dictates to me to do him the fullest justice which my tongue can accomplish.

And now, as to the extravagance of the present Administration, have we not repeatedly called on gentlemen who so loudly urged the general charge, to specify particulars? Mr. Van Buren inherited the war with the Indians in Florida. He came into power incumbered with an immense debt for the removal of the Indian tribes west of the Mississippi, and he entered on the Presidency just at the commencement of a great fiscal revulsion, which, affecting the business concerns of the whole country, dried up the sources of revenue. He had to encounter every conceivable obstacle to a prosperous financial administration of the Government. The Senator from Kentucky [Mr. Crittenden] can very readily give us the aggregate of expenditure which has accrued; but that is not the question. If the expenditure of a large sum was rendered necessary by the state of the country,

who is to blame? Nobody. If the gentleman can go to the records, which are all open to his inspection, and point out extravagant and illegitimate charges on the Treasury, the Administration must answer for it. But whilst he merely deals in the gross, without rendering any bill of particulars to prove that the various expenditures were wasteful and extravagant, his charge falls harmless to the ground. General, indefinite accusations of this kind amount to nothing. If this country were engaged in a just and defensive war, the expenses attending it would no doubt be enormous; but would their mere magnitude constitute in itself a just charge against any Administration? Surely not. The charge of extravagance in the present case is advanced in the very face of documents going to show that the regular expenditures of the Government over which the Executive has had any control, have been in a course of gradual diminution from year to year. I sincerely hope that in this respect General Harrison may "walk in the footsteps of his predecessor." I make no war on General Harrison in advance—it is not my nature. I will judge of his acts fairly; and if he shall go out of office, after four years, with as little just complaint, on the ground of extravagance, as Martin Van Buren will do, I shall consider his administration a most fortunate one in this particular.

On the doctrine of pre-emption, I find myself sustaining the opinions of General Harrison against his friends here. He gave the strongest evidence, by his action when in the Senate, that he was then the friend of pre-emption.

Mr. Benton. He professed the same thing in his letters written last summer.

Mr. Buchanan. I do not know anything as to what he may have written last summer.

Mr. Benton. I do.

Mr. Buchanan. If he adheres to his principles, he is in favor of pre-emption still.

In regard to the Secretary of the Treasury, although politically his friend, I may say that my intercourse with him has not been very familiar. I shall not enter on the question of the merits of his style as a writer; but I think I can see very clearly, from what he states, how our revenue from imports during the year may amount to $19,000,000. The public papers state that the business of the country is reviving; that there have been more arrivals lately than during the same period for several years past; and can it be otherwise? From the indebtedness of the

country for some time past, it was out of the question to extend our importations. The laws of trade and the interests of individuals alike forbade it. We were obliged to pay up our old debts before we could contract new ones. That time has now passed away. We are not now in debt, as a people, to Europe, except for the accruing interest on State bonds. The shackles have fallen off from our foreign commerce, and it now floats freely. The country is exhausted of foreign goods, and now importations will naturally increase to fill up the vacuum. Commerce from abroad will naturally pour into our seaports, and the revenues of the year are, in my judgment, likely to reach $19,000,000 at the least, and I have paid no small degree of attention to the subject. I have no wish to embarrass the administration of General Harrison by leaving on his hands an empty Treasury, and I am free to say that I would rather we had been distinctly informed by the Secretary of the Treasury, at the commencement of the session, that we must provide $5,000,000; but ought our successors to complain of the issue of Treasury notes to this amount? They have now all the benefit of this argument against us, and they will have the advantage of the money also. We shall make provision for giving to General Harrison's administration a peaceful and prosperous commencement; and I think the Senator, when his friends enter into power, will find that we have swept out the house, and left it in a comfortable condition for his reception. And, so far from clearing out the Treasury, we shall give our successors $5,000,000 to commence housekeeping upon.

I conclude by repeating that I am in favor of this preemption bill, and equally in favor of the old and long-tried land system, and that I have yet seen no new project which will induce me to depart from it.

Mr. Clay of Kentucky said he should be much obliged to the distinguished Senator from Pennsylvania if he would furnish the Senate with some of those strong reasons which went to "illustrate the probability of a conjecture" that there would be $19,000,000 of revenue received at the Treasury during the present year. The honorable Senator, said Mr. C., has referred to the papers of the day as declaring that a considerable revival of business has already taken place. So there has, thank God, since the result of the last election has been known. But I greatly doubt whether the revenue will at once start up from $13,000,000 to $19,000,000 within a single year. It is too great a leap, consid-

ering the condition in which the Treasury was left us; and, before I can believe it, I must have some specification of the grounds on which to build such a belief.

The honorable Senator spoke of Gen. Jackson, and made that an occasion for pronouncing a eulogy upon his friend. Now, I said not a word concerning Gen. Jackson personally, but directed what I had to say to his Administration. The Senator, however, has said, and the declaration is to his honor, that the eulogy he pronounced was prompted by his heart. That the late Minister to the Court of the Emperor of all the Russias should feel some emotions of gratitude towards his distinguished patron, was to be expected, and the Senator would certainly be to blame if it were not so. I certainly shall be the last to find fault with him for giving expression to that gratitude.

It seems, however, according to the honorable Senator, that poor Mr. Van Buren came into power under very disadvantageous circumstances. It may be so; and, what is still more unfortunate, these disadvantageous circumstances have been aggravated during every year since by an excess of $8,000,000 a year in our expenditures over the receipts at the Treasury. But this was only the poor gentleman's *misfortune*. The honorable Senator tells us not to confine ourselves to general charges, but to go into the items of the account. That we will do when we get the papers. We have called on the Secretary of the Treasury and on the head of the Post Office Department in vain; there is in their possession a great class of papers which are not to be seen, but such as the most profligate Administration ever known in England could never have dared to withhold from the investigation of Parliament. Give us the papers, and we will present him with items enough, and will show to him and to all the world the immense and extravagant expenditures of the Administration now going out of power. But the common sense of the people is guided by no such induction of particulars. They cannot go into all the minute items of a long account. They will look at the footing of the bill; they will compare the present with the past, and promises with performance. But if the honorable Senator challenges us to items, I could occupy days together in showing more than, perhaps, he would like to see. It is true that Mr. Van Buren was very unfortunate; he was a sort of codicil to a previous Administration, and, though most willing to "follow in the footsteps of his illustrious predecessor," has sometimes mistaken the path, and has been unable to regain it. Why, my God! can

the Senator be serious in asking Gen. Harrison to follow in the footsteps of Martin Van Buren? If he should, one event would follow which the gentleman, perhaps, would be delighted to see —the footsteps would lead him to just such another result as we are now witnessing. But, for myself, I hope for Gen. Harrison better things. I trust he will avoid those devious and downward paths in which his predecessors have walked. I hope he will blaze for himself a new way in the forest. I hope he will put an end to those multiplied abuses which have prostrated the institutions of the country and brought the country itself down to its present low, weak, degraded, and miserable condition. I trust he will better fulfil his promises and pledges as to a wise and prosperous administration of our public affairs.

The Senator tells us that he is a great friend to our old and well-tried land system; that he will not disturb it; but is it no alteration of that system to sustain a bill which goes to supersede some of its most important provisions? He tells us that Gen. Harrison is a pre-emptioner, and that he is advocating the doctrines of Gen. Harrison against his friends here. But where, I ask, is the evidence of his friendship for our land system and his unwillingness to disturb it, when he opposes such a just and reasonable restriction as is now proposed, and leaves the bill almost boundless in its application and interminable in point of time?

The Senator over the way, (Mr. Clay of Alabama,) thought no part of my objections worthy of the least notice but that in reference to the loss of the sixteenth section reserved in every township for the purposes of education. He says my fears on that subject are groundless, and my representations deceptive, because the sixteenth section is already reserved by a provision in the bill. That is matter of construction. It is not reserved by the words of the bill. Suppose a man should settle on the sixteenth section, (and how are you going to prevent him?) When it is found that that is a good section, and has been settled on, you will be immediately applied to to change the school section in that township for another. Have we seen nothing like this in times past?

But the Senator said that I had always warred against the new States, and against the people of his State in particular. I deny it; I repudiate the charge. It is his interpretation of my course; but I plead to his jurisdiction, and I deny the truth of his accusation. No, sir; it is the Senator himself who is warring

against the interests of his own State. It is the Senator who is willing to give up the share of that State in the rich and fertile lands of Missouri and Arkansas, for a parcel of wretched, miserable pine barrens. For these he is ready to barter away the inheritance of his own Alabama, in all the rich and abundant regions northwest of the Ohio. No, sir, no; I have been the true friend of the new States, as, I hope, of all the States. In offering a just and liberal distribution among them all, of the proceeds of the public domain, and in consideration of the peculiar situation of the newer States, I have proposed to add twelve and a half per cent. to their shares in this distribution. Is this the part of an enemy? If the Senator chose to say that, in his opinion, I was warring against the interests of his State, it would have been another thing; but I deny his right here, or that of any other Senator, to pronounce, as *ex cathedra*, that I am the enemy of the new States, and am warring against them. The fact is directly the reverse. I have been consulting their truest interests by urging a just, liberal, generous system of policy, which would at once advance the interests and secure the ultimate prosperity of every State in the Union. I regret that the Senator should have taken occasion to make this remark. It was unnecessary; it was uncalled for. If the Senator differs from me in opinion, let him differ like a man, in an open, fair, dignified, and courteous manner. Because he opposes my course in reference to the public lands, does it therefore follow that I am hostile to the new States? I trust not; and I hope, in future, that the honorable gentleman will manifest a little more of toleration and of courtesy in his speeches here. The Senator chose to use the word "irrevocable," as applied by me to the provision of this bill. I never used the word. I said the bill was *interminable* in point of time; and in its present form it is interminable, until the requisite authority shall interpose to repeal it.

From a view of the whole subject, I am opposed to the bill, as impairing the amount of revenue to come into the Treasury during the present year, thereby augmenting a deficit for which provision ought long since to have been made, and as fraught with evils passing all imagination, from the disputes and contests for title among that flood of settlers which is invited from all the quarters of the known world to rush in a mass upon our public domain. I have made, and shall continue to make opposition, as heretofore, with this difference, that, whereas formerly I opposed pre-emption bills, though only retrospective in their operation,

and confined to a particular district, I oppose this the more as being prospective, interminable, and reaching to the entire extent of the public domain. And, most marvellous of all, it is yet said that all this involves no interference whatever with our admirable, our venerable, and long-tried land system, which has been so justly lauded on the present occasion.

Mr. Buchanan said it was not his purpose to interfere in the dispute between the two Senators of the same name, though on opposite sides of the Senate and of the question. He should leave them to fight their own battle. I gave my reasons (said Mr. B.) for believing that the revenue during the present year will be much greater than that of the past, and is likely to reach $19,000,000.

Mr. Clay (interposing.) Will the Senator be so good as to tell us, if the matter stands as he has just represented, how it happens that the Secretary of the Treasury has estimated the first quarter of the present year at no more than $3,000,000?

Mr. Buchanan said he should before he took his seat. The Senator from Kentucky has expressed an opinion contrary to mine. Mine is based on some facts, at least. His, so far as appears, is founded upon none.

Mr. Clay. None except the product of the last year.

Mr. Buchanan. Yes; but I have shown a distinction between our circumstances during the last year and the present. The Senator speaks of the revenue of the first quarter. Why, sir, we have entered but twenty days in that quarter, and what estimate can as yet be formed as to that?

Mr. Clay. The Secretary has made one.

Mr. Buchanan. The receipts of this quarter will mainly depend on last fall's importations, not on those of the present year. You cannot, as yet, estimate, with any degree of accuracy, what the results will be for this year. There have been great and unusual storms on the ocean, and great destruction of property; but so many arrivals have already taken place, as to justify the expectation that the amount of duties at the custom-house will be largely increased. Every body can see that the receipts for the first quarter must, of course, fall short, because they depend chiefly on the importations of last year, and there has not been time, as yet, to show whether the Senator's estimate for the whole year or my own may prove to be correct. I calculate that there will be $19,000,000 of revenue, because the importation will probably be large, and no reduction of the tariff will occur under

the existing laws till the last day of next December. But vast importations, though they augment the revenue, furnish in themselves no evidence of national prosperity. On that subject, our history runs in one eternal cycle. One year, we import too much, and have more goods than we can pay for. We become alarmed at this, and the next year import too little; and hence the history of our foreign commerce is a history of expansion and contraction, and of perpetually recurring revulsions.

The next thing I shall refer to in the remarks which fell from the honorable Senator, was, that his good taste and his good nature did not induce him to forbear from some remarks upon my poor mission to Russia.

[Mr. Clay, (speaking across.) You filled it so well that you ought not to complain of me on that account.]

That, to be sure, is a sugar-plum, which in some measure corrects the acidity of what went before. It comes in very timely, and prevents some remarks in which I might otherwise have indulged. I can, with great truth, say that mission was wholly unsolicited by me, and that it was as unexpected as any event, the most improbable, could have been, nor was it desired by me.

[Mr. Clay (across.) No bad thing though—not a thing for a man to turn up his nose at.]

It was not refused, it is true—but only for the reason that it was pressed with so much earnestness by the distinguished man then at the head of the Government. I accordingly yielded and went abroad; and I can say, for the benefit of any gentleman (if such there be) who may be looking forward to a foreign mission as some great thing, that he will most assuredly be disappointed, unless, indeed, he happens to be a millionaire.

I am glad, on one account, however, that I accepted the mission. The precedent may do some good to my friends on this side of the House. It requires no prophet, to predict, that in appointing members of Congress to office, General Harrison will at least follow in the footsteps of "his illustrious predecessor," and may probably leave him far behind. It would be hard indeed to deprive him of the services of so many distinguished Senators and Representatives, and equally hard to deprive them of the pleasure of serving him, by acting upon a political principle which would exclude them from office. I am happy to believe that there is no danger of any such unpleasant result. If I read the signs of the times aright, whatever objections may have existed against General Jackson on this score, they will at least be equally well

founded against his illustrious successor; and if any of his friends here should happen to be looking out for "loaves and fishes," all I can say is, that I wish them God speed. I might add, if it did not weaken the force of the precedent, that the mission was not offered to me, until after I had retired from Congress, and become a private citizen.

The honorable Senator says that the time has not yet come to investigate the extravagance of the Van Buren administration. Well, I hope it may come, and I now venture to say that those who attack it will not be able to show, in the whole course of that Administration, any items of censurable extravagance. If any such exist, the opportunity to investigate them is always present. Every particular of expenditure, down to the last cent, is open before you. What act of Congress has Mr. Van Buren violated? In what has he departed from those economical principles we all profess, and which I hope we shall all practice? I know of none. We have called on gentlemen to specify particulars, but the Senator from Kentucky says that he goes only for aggregates. He looks only at the footing of the bill. Can he defend such a course? With all his ability and eloquence, can he show that this is a fair mode of judging? The question depends not on the gross amount of expenditure, but whether the expenditures have been kept within the proper limits; whether they have been wisely directed. If a man buys what is very valuable, he must pay proportionally, and no money has been expended by this administration which was not sanctioned by Congress.

On the subject of pre-emption, I think I am perfectly safe, for, although I am menaced by the giant arm of the Senator from Kentucky, yet I am shielded by that of General Harrison, the distinguished "military chieftain" who is soon to take the head of the Government. We have heard that he goes the whole for the pre-emption principle. Would it, then, not be well for the Senator from Kentucky to reconsider his opposition? Let him not attack the bill as hostile to the great principles of our land system, because it does not trench upon them at all. It does not reduce the price of the land. It proposes to keep that up at $1.25 per acre. Its whole effect is to give to the industrious and honest settler an opportunity to buy for himself a home, provided he contents himself with a quarter section of land—a small inroad indeed on the existing land system—a system to which I am quite as much devoted as the Senator from Kentucky.

SPEECH, JANUARY 22, 1841,

DEFENDING VAN BUREN'S ADMINISTRATION AGAINST THE CHARGE OF EXTRAVAGANCE IN EXPENDITURES.[1]

Mr. Buchanan rose to answer each of the four specific charges of extravagance which had been made by the Senator from Kentucky [Mr. Crittenden] against the present Administration. That Senator had called upon him personally to make this answer; and he undertook the task with pleasure, not believing it to be one of much difficulty. Before, however, he should apply himself directly to this work, he would take the liberty of making some preliminary observations.

And in the first place, said Mr. B., permit me to observe that I, at least, have never introduced into this Senate, as topics of debate, "log cabins, hard cider, and coon skins;" nor have I ever made an observation here which could be tortured into a reflection upon either the integrity or intelligence of the people of the United States for having elected General Harrison their President. The Senator from Kentucky has promptly and frankly disclaimed any intention of imputing to me such a charge; and with this I am entirely satisfied. The people are the only legitimate sovereigns of this country, and however much I may regret their recent decision of the Presidential question, I shall never, either here or elsewhere, indulge myself in the use of reproachful language against them for this or any other cause.

If I know myself, said Mr. B., I came to Congress in December last with the desire and with the expectation that this would prove to be a business session. It was my sincere wish that the political excitement which has recently agitated the people and has extended to every portion of the land, might, for the present, be suffered to subside, and that we might bring up the arrears of business with which we are now encumbered. I had not the most distant idea that this chamber would again so soon be converted into a mere political arena. Acting under a sense of duty, I have abstained from political conflicts since the commencement of the present session, except when compelled to enter the lists in the necessary defence of myself or of my party. I have made no assaults, and have generally been a mere listener.

I had another reason for refraining from any participation

[1] Cong. Globe, 26 Cong. 2 Sess. IX., Appendix, 106–111.

in the debate now before the Senate. I knew that the question of the distribution of the proceeds of the public lands was before the Legislature of my own State, and that I might be instructed on the subject; and, as I shall ever entertain and express the utmost deference and respect for that Legislature, whatever political party may be in the majority, I thought that a proper sense of delicacy required me to abstain from discussing this question. I have not, therefore, said, nor do I now intend to say, a single word upon that subject: and I shall either give my vote according to these instructions, should they pass, or resign my seat. I am not the man who, after having enjoyed the sunshine of political favor, will shrink from the storm. I long since, from the deepest conviction, adopted the principle that the representative was bound by the instructions of his constituents. I consider it essential to the wholesome action of a free, Democratic Republican form of Government; and having publicly avowed this doctrine at a period when there appeared to be but little probability that it could ever reach myself, I shall not disavow it in the day of apparent gloom and adversity. I am willing to abide the fate of war.

For a similar reason, I might even have refrained from advocating the passage of the pre-emption bill, dear as it now is, and ever has been to me, had I then known that the instructions before the Legislature of Pennsylvania embraced this subject, as well as that of the distribution of the proceeds of the public lands. I am glad, however, now to find, that even the Senator from Kentucky himself [Mr. Crittenden] is in favor of the principle of pre-emption, and has actually incorporated it with that of distribution in his motion now before the Senate. This renders it certain that if ever a distribution bill should pass—and from the signs of the times I consider such a result probable—the poor man who has expended his toil in erecting an humble dwelling, and cultivating the soil, shall not be driven from his home on the public lands of the far West, provided he is willing to pay the Government price for the quarter section which he has selected and improved.

For one, it was both my design and my desire, so far as I was concerned, to devote this session to the necessary business of the country, and to wait patiently until General Harrison should get into power. I shall then judge the tree by its fruits, without any predetermination to oppose his measures. I am bound, notwithstanding, in candor, to declare, that if he enter-

tains the opinion of his friend from Kentucky, [Mr. Crittenden,] in regard to a National Bank, he [General Harrison] believes that to be a great good, which I consider one of the greatest evils which can befall the country. Without, at present, alluding to its fatal political consequences, I believe that in a mere financial point of view, it would prove destructive to our prosperity. In order to obtain a specie capital for such an institution, you must either ruin or essentially cripple our State banks; or you must adopt the alternative of borrowing specie abroad, and creating a national debt for this purpose. One or other of these alternatives is inevitable; and the country is not in a condition to resort to either, without great injury to the people. But enough of this for the present. I return to the subject with which I commenced.

I shall now proceed to show that the charge of extravagance which has been so often made and reiterated against the present Administration by both the Senators from Kentucky, [Messrs. Crittenden and Clay,] is without foundation. It will be for the Senate and the country to decide whether I shall have succeeded.

It will be recollected that in the month of May last, a report was made by the Secretary of the Treasury in obedience to a resolution of the Senate on the subject of the annual expenditures of the Federal Government during the fifteen preceding years. From that report it appears that the ordinary expenses of this Government, which in 1824 amounted to a little more than seven million one hundred thousand dollars, had been gradually increasing until the year 1839, when they a little exceeded thirteen millions and a quarter. I mean by "*ordinary expenses*" the money annually disbursed in maintaining the permanent civil, military, and naval establishments of the country, and embracing every expenditure necessary to conduct the Government prosperously in time of peace. Now, in regard to this class of expenditures, I have never heard any Senator on either side of the House complain of their amount, or that they had risen from seven to thirteen millions of dollars between 1824 and 1839. During this period, a number of new States have been admitted into the Union, and several new Territories created—the army and navy have both been considerably increased, and the expenses of Congress have of late years become enormous, requiring reform more than any other branch of the Government. Our expenditures must necessarily increase with the growth of the country; but it ought to be our care that this increase shall be as slow as possible, and never proceed beyond what is absolutely necessary for the

public service. We might with as much reason expect that the little garment which was sufficient to cover the child of eight or ten years of age, would prove sufficient to protect him from the wind and the storm after he had grown to be a giant, as argue that the "ordinary expenses" of the Government should not have increased with the rapid, nay the unexampled growth of the nation during the last fifteen years. Nothing has been said against these expenses, either in the aggregate or in detail, since they were brought to the attention of gentlemen by the Secretary's report. It is, then, fair to presume that nothing can be urged against a single item of them. On this triumphant result, I am most happy to have it in my power to congratulate the friends of the present Administration.

The Secretary of the Treasury in the same report to which I have referred, also presented an annual statement of the expenses "of an extraordinary or temporary character," from 1824 to 1839, both years inclusive, arranged under different heads. When this report came into the Senate in the month of May last, both the Senator from Missouri [Mr. Benton] and myself called upon the gentlemen on the opposite side to point out a single item of extravagance amongst all these expenditures of the Government, whether ordinary or extraordinary. Not one of them was then bold enough even to make the attempt. Our challenge was not met. And now I would ask the Senator from Kentucky [Mr. Crittenden] on whom ought the burden of the proof of extravagance to rest? Would he require the friends of the Administration to go over, item by item, all the ten thousand items of expenditure which have been submitted in a distinct form to Congress, and show that in each particular instance there was no extravagance? This would, as that honorable Senator well knows, be reversing all the rules of common law, as well as of common sense. We present to the Senators in opposition a clear and distinct account in detail of the expenses of the Government; and it is manifestly their duty, if they believe there has been extravagance in any item, to lay their hand upon it and show wherein the extravagance consists. This they cannot do, or they would long since have accepted our challenge. They are, therefore, driven to condemn in the aggregate, although they can find no fault with any of the details of which this aggregate is composed. They exclaim that the Administration has been extravagant, because it has expended one hundred and thirty millions of dollars in four years, whilst they do not point out in what manner

it would have been possible to have reduced this expenditure. It is true that at this late day the Senator from Kentucky [Mr. Crittenden] has denounced four particular items of the account as extravagant; but I think I shall prove, before I sit down, that he has been less wise and wary than his colleague, [Mr. Clay,] in descending from generals to particulars.

I do not deny but that the "extraordinary expenses" of the Government have been very large during the last four years. But whether these expenditures were great or small, is not the question. Were they inevitable? Could they have been avoided by any human prudence or foresight on the part of the Executive or his friends in Congress? Was not each of the treaties and acts of Congress under which these expenditures were necessarily incurred, sanctioned and sustained by the very Senators who now condemn them in the aggregate? These are the true questions.

These "extraordinary expenses" must, from the nature of things, vary with the ever varying condition of the country. Our circumstances are changing with every changing year. Some years ago, the nation was gliding along on the smooth current of prosperity, and requiring but little above the ordinary expenditure necessary to keep the Government in regular motion. Not so, since the present President came into power. It has been his misfortune, that, during the period of his administration, heavy expenses, of an extraordinary character, which he could not have avoided, were rendered absolutely necessary, whilst the revenue of the Government has been greatly reduced, by causes equally beyond his control. Is it not, then, the most crying injustice—is it not the strangest accusation in the world, to charge the man who happened to take the helm of State when the country was involved in such difficulties, with extravagance, merely because he was compelled to execute treaties and laws which had received the sanction of all political parties in Congress?

Under such circumstances, ought he to be denounced because the necessary expenses of Government happened to exceed, under his Administration, those which were incurred under his predecessors? True economy in a Government does not consist in hoarding money like the miser, and doing no good with it; but in applying it, with a provident hand, to the accomplishment of such objects as are necessary to the defence and prosperity of the country. After these objects of expenditure have been designated by Congress, Executive economy consists in accomplishing them at the cheapest rate possible. This is the only economy

which can be practised by the President; and if he has neglected this duty in any particular instance he would be liable to censure; but not otherwise.

In order to swell the expenditures of the last four years to one hundred and thirty millions, Senators have included items not only of the most unjust, but of the most ridiculous character. I shall enumerate a few of them.

One large item in this amount was for money expended upon the public buildings. Is there a single member of the Senate who either raised his voice or gave his vote against the appropriations for this purpose? The money expended on these buildings alone during the period of the present Administration amounts to between four and five millions. I have not added up the sum; but it is certainly not less than four millions. And yet these appropriations made by Congress, without distinction of party, are converted into an item of extravagance against Mr. Van Buren!

Then there was the money expended in the payment of pensions, amounting to upwards of ten millions of dollars. Had the Administration any control over this expenditure? These pensions were granted by a grateful country to those who had defended it in the perilous times which tried men's souls, and who are now the feeble and broken relics of a past age, dependent on the public bounty for their support. Congress has also granted pensions to such widows of old soldiers, as in the days of the Revolution remained at home, and attended to their families whilst their husbands went forth to the battle field. Be this right, or be it wrong, had the present Administration any agency in granting these pensions? Did not Congress pass these laws; and did not the Senator from Kentucky vote for them? I do not know the fact, because it is not my practice to examine the journals for the purpose of ascertaining how individual members may have voted; but I do know, from the nature of the man, that he [Mr. Crittenden] is one of the last members of the Senate who would vote against such pensions. And yet, strange to say, the payment of these very pensions to old soldiers and their widows, by the Treasury, is one of the items of extravagant expenditure charged against Mr. Van Buren's administration; and the aggregate of $130,000,000 composed of such items as these has been spread over the whole country, in order to alarm the fears of the people.

Again. There was the expense of extinguishing the Indian title within the States and Territories of the Union, and of

removing the Indians west of the Mississippi, which amounted to more than ten millions of dollars. Are the present Administration to blame for this expenditure? Could the President have avoided it, after the Senate had ratified the treaties under which it was incurred? No Senator on this floor will say that he could. He had no discretion whatever on the subject; but was obliged to execute these treaties and the laws made in pursuance of them. How unjust is it, then, to put down this item in the aggregate of one hundred and thirty millions of dollars expended by the present Administration!

I might, if I pleased, pass in review all the other heads of extraordinary expenditure detailed by the Secretary of the Treasury in his report, and show that it was impossible for the President to avoid any one of them. He can exercise no dispensing power. He must obey the acts of Congress and treaties; and these laws and treaties were of such pressing necessity as even to have disarmed opposition, and to have received the votes of the political enemies as well as of the friends of the Administration. I may well spare myself this trouble, as not one of these items of expenditure has ever been questioned by any Senator upon this floor. It is true, they exclaim, you have spent one hundred and thirty millions of dollars, and this is enormous; but they make no attempt to show how it was possible for the President to have reduced this amount.

There are two or three items embraced within this aggregate, of a character so extraordinary as to deserve more than a mere passing notice. In the Secretary's report, the indemnities amount to between six and seven millions of dollars. What are these indemnities? General Jackson, during his prosperous Administration, succeeded in obtaining satisfaction for all the old claims which our citizens had against foreign Governments. He got nearly five millions from France; and I do not recollect precisely how much from Denmark, and other nations. At all events, he left us a clear score, and the enjoyment of peace with all foreign nations. Now, according to the terms of the treaties, these indemnities, obtained from foreign Governments for our own citizens, were paid into the Treasury for their use, and were of course paid out of the Treasury to them, as soon as it was ascertained how much each one was entitled to receive; and yet, strange as it may seem, these very payments from the Treasury constitute a large item of the aggregate of one hundred and thirty millions about which we have heard so much. This sacred trust

fund, which was acquired for our citizens by the most efficient and persevering exertions—this very fund, which was fairly distributed amongst those entitled to receive it, has thus been converted into a charge of extravagance to its full amount against Mr. Van Buren, simply because it was paid out of the Treasury during his administration. This item shows conclusively why the Senator from Kentucky [Mr. Clay] goes for footings, and not for particulars. Is this fair towards the present Administration? If it were, then had General Jackson succeeded in obtaining twenty millions more from foreign nations, Mr. Van Buren, who disbursed the money, would have been twenty millions more extravagant; and the gentleman might have exclaimed, "you have expended one hundred and fifty millions of dollars, instead of one hundred and thirty." In making out these debtor and creditor accounts of extravagance, will any man say that it was either just or proper to charge such an item as this against the retiring Administration?

I should have been rejoiced if the subject of the expenditures of the present Administration had not again been introduced until after the accession of General Harrison, because then, as the Senator [Mr. Clay] says, the books and papers will be in the possession of his friends. They will then be enabled to search these books and papers to their hearts' content; and, for one, I now give them fair notice, that should I be permitted to remain in the Senate, I shall call upon them, when they have all the official documents in their power, to make good the charge of wasteful extravagance against Mr. Van Buren's administration. This is due to themselves, as well as to that portion of the American people who have been deluded into the belief that the present Administration has been guilty of a prodigal and wasteful expenditure of the public money.

Another most extraordinary charge against Mr. Van Buren, embraced within the aggregate of one hundred and thirty millions, is that of more than twenty millions paid out of the Treasury in discharge of the national debt. Now, sir, observe the gross injustice of this charge. The Administration are first charged with all the expenditures which rendered it necessary to create a debt by the issue of Treasury notes, and afterwards, as this debt was discharged, they are again charged the second time with the amount paid to the public creditors. According to this mode of stating the account, an Administration is first charged with, I shall say, twenty millions of dollars for public expendi-

tures. Their necessities require them to borrow these twenty millions. They then pay the borrowed money, and this discharge of the debt is twenty millions more expended, and swells the total to forty millions instead of twenty, although this last sum is palpably the whole amount expended. As a further illustration, let me suppose a case. The Senator from Kentucky employs an agent to build him a house which shall cost ten thousand dollars, and directs him to borrow the money on his (the Senator's) credit. The agent borrows the money and builds the house, and afterwards discharges the debt from the proceeds of the Senator's estate. What would be thought of his justice, if the Senator were to brand this agent with extravagance, and say, you have expended twenty thousand dollars of my money when I authorized you to expend but ten? You have first paid out ten thousand dollars in the erection of my house; and, shameful extravagance! you have squandered ten thousand dollars more in discharging the debt which I authorized you to contract. And yet this is the measure of justice which the Senator would apply to the present President of the United States as the agent of the people.

Now, fortunately for this country, neither the present nor any future President of the United States can be justly charged with extravagant expenditures, except in a few cases, should Congress do their duty. Under the Constitution, not one dollar of public money can ever be drawn from the Treasury, "but in consequence of appropriations made by law." In most instances, Congress appropriates the precise sum which, under existing laws, is required for each special purpose; and the Secretary of the Treasury merely pays out these sums as their agent. Neither he nor the President can make these payments either greater or less. Since the origin of the Government, the public Treasury has been protected by this constitutional guard.

But the present Administration have done more than all their predecessors to secure the public money in the hands of our receiving and disbursing agents. Hitherto, whilst the poor wretch who stole five dollars to gratify the cravings of hunger was doomed to the penitentiary, the public officer who squandered the public money entrusted to his care, or fled with it to a foreign country, was held to have committed a mere breach of trust, and escaped without any punishment whatever. The much abused Independent Treasury law, which is now about to be repealed, was the first act of legislation which ever inflicted any punishment upon public officers for plundering the public money.

Under its provisions, such a crime is made felony; and the culprit is consigned to the four walls of the penitentiary, instead of being sent on a mission to London or Paris, to revel in luxury there on the spoils of the public, and to enjoy the pleasures of "good society." But the decree has gone forth, and this law is to be repealed by the new Administration.

The President of the United States can only be guilty of extravagance by recommending and by influencing his friends in Congress to adopt useless and extravagant projects not necessary for the public good; or where, from the nature of the case, a general appropriation must be made to accomplish a particular purpose, by not applying this money, necessarily subjected to his discretion, with a wise and proper economy.

Gentlemen may test the expenditures of the present Administration by any reasonable rule which they please, and ascertain whether any of them could have been avoided. There they are, spread upon the record of the American Senate in the report of the Secretary of the Treasury, and there they have been ever since May last, subject to the inspection and scrutiny of each American Senator; and what has been the result? At this late period, after the Presidential election has been decided, the Senator from Kentucky now, for the first time, makes four specific charges of extravagance. If we were even to admit that these specifications are all well founded, happy indeed would be the country where, in the expenditure of so many millions, the research and ingenuity of gentlemen could discover but four small and comparatively inconsiderable items to which they can object. There is no other nation on the face of the earth which could present such a spectacle in the administration of its finances, and even with these blemishes, if they existed, it would be the glory of our country to be able to present such an account. It would be conclusive evidence of the regard for law and the morality which prevails amongst us.

After this report had been thus subjected to the ordeal of these gentlemen for the greater part of a year, the Senator now confines himself to a specification of only four particulars, in which he alleges the Government have been guilty of extravagance. If I can demonstrate, as I believe I can, that he has been mistaken in each of these particulars, then the friends of the present Administration will indeed have cause for congratulation and triumph.

The Senator's first specification is, that the Administration

had brought mounted volunteers all the way from Missouri to the Florida war, when men in abundance might have been obtained from the neighboring States at a much less expense; and that instead of transporting these volunteers from Missouri to Florida by water, a useless expense was incurred in sending them over land. Three hundred was the whole number of these Missouri volunteers, as I have been informed by the highest official authority at the proper Department. And to what, then, does this whole charge of extravagance against the Administration amount? To the excess of what it would cost to transport three hundred men from Missouri to Florida above the cost of transporting the same number of men from Georgia, Alabama, or Kentucky. This difference of price is the whole sum and substance of the Senator's first charge of extravagance. I have been also informed from the same authority that these men did not march over land through Kentucky, as the Senator supposes; but were unfortunately transported by water from St. Louis to Florida. The consequence was, that they encountered a storm in the Gulf of Mexico, and many of their horses were lost. Happy, indeed, therefore, would it have been for them if this portion of the Senator's charge had been well founded, and if they had marched over land.

But why did the Secretary of War resort to Missouri for these volunteers? Was it because he had not entire confidence in the patriotism and courage of the men of Georgia, Alabama, and Kentucky? No, sir, not at all. But it was suggested to the Secretary that the frontier men of Missouri—the hunters and trappers of the far West, who had been accustomed to Indian war, were better acquainted with the character and habits of our savage foe, and would, for this reason, be more efficient than equally brave soldiers who had not the same experience. It was believed that these frontier men would be skilful in penetrating the Everglades of Florida, and discovering the Indians in their hiding-places.

In the days of the Indian wars of Kentucky, the Kentuckians were probably the best Indian fighters in the world. But these days have fortunately long since passed away; and you must now go further West for men of experience in this peculiar mode of warfare. Considering how our army had been baffled by the Florida Indians, it might have been wise, and I believe it was wise, to accept the services of these Missourians; and the conduct of this brave band, with the lamented Colonel Gentry

at their head, proved that the Secretary was not mistaken either in their skill or courage. Some forty or fifty of them lost their lives in battle; and yet the charge is, that their transportation from St. Louis to Florida had cost the Government more than it would have done to transport the same number of men from Lexington or Nashville. This is truly a grave and serious accusation!

I can inform the Senator in what manner I presume his mistake originated in regard to the marching of the Missouri volunteers through Kentucky. Although they did not march through Kentucky, yet the second regiment of dragoons did; and he must have mistaken the one for the other. And why was this regiment marched to Florida over land, and not transported by water? It was not done to expend, but to save money. They thus transported themselves, and therefore the Government saved the cost of their transportation. Besides, in addition to all this, they were trained and disciplined every day upon the road as cavalry ought to be disciplined. The consequence was, that the moment they arrived in Florida, they were prepared for active and efficient service. On the other hand, had they been transported by water, their horses might probably have been lost, as were those of the Missouri volunteers, and they could not have improved in discipline on the way. In regard to the expenditure, I have been informed at the Department that it was a clear saving to the Government to march this regiment to Florida by land, instead of transporting it by water. So much for the Senator's first charge.

The second charge made by the Senator consists in this; that the Administration had collected five hundred thousand dollars' worth of provisions in the Cherokee country, for the use of the army; and that these provisions, not being wanted, were afterwards sold at auction for a sum but little exceeding fifty thousand dollars. To this and to all the other charges of the Senator, I felt myself prepared to reply last evening; but concluded that it was best to wait and reassure myself of the precise character of the facts. I can now assure the Senator that there is great exaggeration in this statement. The whole supply of provisions was not sold at auction; but the comparatively small surplus only, which remained after subsisting the troops, and this because the articles were perishable, and would not bear the cost of transportation. I admit that there was a considerable loss on the sale of this surplus, chiefly in the articles of bacon and hard

bread; and I shall tell the gentleman how it occurred, and then ask him to say whether the Administration is fairly chargeable with it.

We all know that the Cherokees, at the first, refused to execute their treaty and remove to the West of the Mississippi. Indeed, an incipient war already existed. From the representations of their chief, and from other causes which I need not detail, they were induced to believe that the Government would never remove them by force. They were upon the soil of Georgia, Tennessee and North Carolina, who insisted upon their removal; and it thus became the imperative duty of the Government to enforce the execution of the treaty. Policy, humanity, economy, and the example of the Florida war, all required that a sufficient force should be sent into the Cherokee country to overawe the Indians, and thus effect their removal without bloodshed. One of the most eminent men of our country, the hero of Lundy's Lane [General Scott] was selected to command these forces, and ample discretionary power was conferred upon him to carry the treaty into effect. This hero may, in future time, become a still more distinguished character, for the race of military chieftains is, probably, not yet extinct. Under these circumstances, it became necessary for the subsistence department to collect within the Cherokee country a sufficient quantity of provisions for the supply of the army. That this was their imperative duty no one can deny.

General Scott executed the high trust confided to him with distinguished fidelity and ability. With the example of the Florida war before him, he deemed it necessary to act with the utmost energy and vigor, and to concentrate such a force as would overawe all opposition. I ask, then, would not the Administration have been greatly to blame, had they not collected sufficient provisions for the whole force which General Scott deemed it expedient to call into service?

In this crisis, John Ross, the head chief of the Cherokees, concluded an arrangement with General Scott, under the sanction of the Secretary of War, and engaged himself to remove his people. It was thus rendered unnecessary to employ our troops in removing them by force; and a large portion of these troops was immediately discharged. A sufficient number, therefore, did not continue in the service to consume all the remainder of the provisions which had been collected.

Were these provisions improperly collected? Was it not

necessary that the Department should have them at the point where the army assembled? But a large portion of this army was soon disbanded, and in this unforeseen contingency what was to be done with the remainder of the provisions? There they were in the midst of the Indian country, where no demand existed for them; and necessity compelled the officer in command to direct them to be sold at auction, whatever price they might bring. It is true the bacon and hard bread were sold at a sacrifice, but what else could be done? The expense of transporting them to any place where they might have sold for their value would have been greater than the difference between that value and what the Government actually received.

But whether the loss were great or small, the Administration had nothing directly to do with the sale, and are not, therefore, liable to censure for this cause. The provisions were collected by the proper department for the subsistence of the army under the Commanding General, and he acted in strict conformity with his duty in directing the sale of such of them as he could not use. The Administration knew nothing of the matter until after they had been sold, and the accounts of the sale were rendered. Thus ends the second item of extravagance alleged by the Senator against the Administration.

The third specification of extravagance mainly rests upon the strange order of Brigadier-General Read of the Florida militia. Of all the persons I have ever known, the Senator from Kentucky can the most effectually turn into ridicule even that which is not ridiculous in itself. What a rare occasion, then, does this order present for his powers of satire! He must esteem it as a precious relic, and therefore I shall most certainly comply with his request, and return it to him as soon as I shall have read it to the Senate.

Here Mr. Buchanan read the order as follows:

HEADQUARTERS, FLORIDA BRIGADE,
NEWNANSVILLE, December 4, 1840.

The troops of the Sedentary infantry service, of which Captain Broer's company is an integral portion, shall not at any time be ordered on active duty; nor will it ever occur during their term of service, that they shall be ordered to march a greater distance than twenty miles beyond the headquarters of their respective companies. They will be directed to remain at their usual places of abode, and expected to engage sedulously in the pursuit of their usual occupations.

(Signed,) LEIGH READ,
Brigadier General, Florida Brigade.

CAPTAIN BROER, Mandarien.

If the Administration could be held responsible for the bad taste in which this order was conceived, I should pronounce them guilty at once. But this is a question not of taste, but of extravagant expenditure, and regarded in that view, the Senator would find that it did not at all establish his proposition.

I shall then first explain to the honorable gentleman why Brigadier-General Read, who by the by is an excellent officer, told these men to remain at home, and attend to their own business. Although it might have been better taste not to have embraced such a command in a general military order, at least without further explanation, yet the Senator would himself soon perceive the propriety of this injunction.

It will be recollected that at the last session the Secretary of War had called upon Congress to raise a thousand mounted men for the Florida war, to remain in service during its continuance, and to receive a bounty in land, with the same pay and emoluments as the cavalry of the United States. The Senate passed a bill for that purpose, increasing the force to fifteen hundred men. This bill went to the House of Representatives, where the Committee on Military Affairs, approving of the policy, recommended a still further increase from 1,500 to 2,000 men; but the House never reached the measure, and no troops were raised for the prosecution of the Florida war. But did Congress, by this neglect, intend that Florida should not be defended? Was it the design of Congress that the Florida militia should not be called into service for this purpose? Certainly not. If anything could be inferred from the neglect of Congress to pass the bill, it was that Florida should be defended by the militia under the existing laws; for no Senator can suppose that we intended to give up the wives and the children of its inhabitants to the scalping-knife of the savage.

Whilst this bill was pending before Congress, the Governor of Florida, in pursuance of an act of the Territorial Legislature, called out into actual service a number of mounted men for the defence of that Territory, nominally at its own expense, but which we all know, from past experience, must eventually be paid by the United States. After the adjournment of Congress without having passed the bill to which I have referred, the Secretary of War interposed, and ordered out twelve hundred mounted men, embracing those thus already in service from Florida, to serve in every part of the Territory, and to pursue the Indians wherever they might be found, and five hundred infantry militia.

And for what purpose were these five hundred militia to be employed? They were intended for mere neighborhood defence, and, like the minute-men of the Revolution, were to be ready to repel invasion at a moment's warning. They are divided into companies of seventy men; and these men cultivate the soil, and are spread over the border which divides the savages from the peaceful inhabitants. They are neither required nor permitted to pursue the enemy more than twenty miles from the head-quarters of their respective companies; because, if they were, it would destroy the very purpose of neighborhood defence for which they were called into service, and leave the settlements unprotected. It is their duty to resist sudden incursions of the savages into these settlements; and I understand that the most happy consequences have followed the creation of this force.

Now, in regard to the expense, which is the main point of this argument, let me assure the Senator that these men cost the Government but one-sixth of the cost of the same number of cavalry. They merely receive the pay of infantry, without bounty, rations, or clothing. They are bound to raise corn and provisions on the public lands on which they are settled, and at the same time be ever ready to repel the incursions of the Indians. When this duty has been performed, they return to their peaceful agricultural pursuits. What have been the consequences of this policy? Since this system was first adopted by the Secretary of War, the Government has been able to purchase provisions at a greatly reduced price. These men raise not only what is sufficient to supply their own wants, but a considerable surplus for sale. They are settled in the very heart of Florida, where provisions are most wanted for the use of the army; and the Government thus saves much in the cost of transportation. This whole arrangement, instead of affording any foundation for a charge of extravagance against the Government, is one eminently economical.

I am sorry to inform the Senator that the Secretary has not yet been able to raise more than one-third of these five hundred militia infantry.

I trust he will now be able to perceive why General Read directed these "sedentary infantry" to remain at home, and not to pursue the enemy a greater distance than twenty miles from their headquarters. They were never intended for general service, but were destined to be a rampart against the stealthy

attacks of the Indians—to be a body-guard on the frontier for the women and children behind them, and to be a barrier for their protection, over which the savages could not pass. If these men could be withdrawn from the positions which they occupy, and sent all over Florida, the result might be disastrous.

The fourth and last charge of extravagance against Mr. Van Buren was, the establishment of the branch mints; and yet these mints were established by act of Congress in 1835, two years before he came into power. Now I myself happen to be one of those Senators who were decidedly opposed to the establishment of these mints. With the exception of the one at New Orleans, they have never done much good, nor do I expect that they ever will hereafter. There is one of them in Georgia, at a place called Dahlonega, and another at Charlotte, in North Carolina. At these places I believe the gold has given out. Now, as these two mints were established, not by Mr. Van Buren, but by an act of Congress, passed without distinction of party, is it not most extraordinary to charge him with the expense which has been thus incurred? He is not to blame if the gold has given out and cannot be found in such quantities as to keep them in employment. The only mode of getting clear of them is that suggested by the Senator from North Carolina, [Mr. Mangum] and I pledge myself to support any reasonable bill for that purpose which he may introduce. In the event of its passage, for one, I should feel myself indebted to the gentlemen on the opposite side of the House, if they shall be able to find a purchaser for them.

[Mr. Lumpkin of Georgia here said he wished to state that the honorable Senator from Pennsylvania was mistaken in saying that the gold had given out in Georgia. On the contrary, new discoveries are constantly being made.]

Mr. Buchanan resumed. I am glad to learn that the gold has not given out in Georgia, and that there is still some prospect that the Mint at Dahlonega may yet be employed. In one thing, however, I cannot be mistaken, and that is, that if gold has been found, very little of it has been brought to the mint to be coined, within the last few years. I have no right to doubt the statement of the gentleman, and I should rejoice if gold would descend in showers from above upon Georgia, as it formerly did upon Danae. It makes no difference, however, for my present purpose, whether this mint be necessary or not. It is certain, at least, that Mr. Van Buren was not even President when it was established,

nor is his administration responsible for what appears to me to be the useless expense which has been thus incurred.

If this were the proper occasion, I might adduce many arguments to prove that not more than one mint ought to exist in this country; although I acknowledge that strong reasons may be urged in favor of a branch at New Orleans. Whatever gold may be found in the vicinity of Dahlonega and Charlotte, might be disposed of as profitably to the finders as if they carried it to these mints for coinage. The other Senator from Kentucky [Mr. Clay] will bear me witness that I steadily followed the lead of himself and my friend Governor Hill of New Hampshire, from first to last, in opposition to the establishment of these branch mints.

I have thus gone over the four specifications of my friend from Kentucky, and happy indeed am I to find that these are the only specific charges of extravagance which have been made against the present Administration. The very fact is, in itself, their most triumphant vindication. Indeed, I am almost sorry, for the sake of the gentleman, that he could not have discovered some charges a little more plausible than any of these, on which he might have rested an argument.

If Congress, then, have determined that the exigencies of the country absolutely demanded the expenditure of one hundred and thirty millions within the last four years, and if the Senator and his friends have concurred in this necessity, and have united with us in making appropriations to that amount, with what justice can they now blame the President for this expenditure? It cannot be pretended either that he created this necessity for a large expenditure, or that he squandered the public money in accomplishing any of the objects designated by Congress. Away, then, with such charges of extravagance! If any debt has been created, in consequence of these large expenditures directed by Congress, whose fault is it? Certainly not his. He had no control over the matter.

I undertake to predict, that should the Secretary of the Treasury prove to be as correct in all other respects as he is in his estimate of revenue to be derived from customs during the present year, we shall, at the end of it, be entirely clear of debt. I have no doubt but that the revenue from this source will, at the very least, amount to from eighteen to twenty millions of dollars. Should this be the case, then the Secretary is of opinion that the revenue of the country, during the year, will be sufficient to meet

its expenditures, provided Congress shall not exceed his estimates in their appropriations; and will, in addition, discharge the amount of the outstanding Treasury notes. But we are willing, nevertheless, to provide five millions more to meet any unforeseen contingencies which may arise at the commencement of a new Administration.

I have now answered the remarks of the Senator from Kentucky. The facts which I have stated in regard to his four specifications of extravagance, have of course been communicated to me by the proper Department. None of them are within my own knowledge; but I have no doubt they are all substantially correct.

Mr. Crittenden replied at some length to Mr. Buchanan. His remarks will be given hereafter.

Mr. Buchanan again rose, in reply to Mr. Crittenden, and said that he considered this a proud day for the retiring Administration. It presented a moral spectacle on which the world might gaze with wonder. In an expenditure of one hundred and thirty millions of dollars, during the period of four years, the Senator from Kentucky had only been able to enumerate four items of extravagance, and each one of these had been fully explained. Had the world ever beheld a nation in which such a spectacle could be presented? Look over the kingdoms of Europe; look over the vast continent of America; examine the abuses under every other form of Government; and where, except in this Republic of ours, can you find such an example? One hundred and thirty millions had been expended, and the only complaints of extravagance were, that three hundred troops from Missouri had been employed in the Florida war; that five hundred thousand dollars' worth of provisions had been collected to subsist our army in the Cherokee country, all of which was fortunately not required for that purpose; that two hundred Florida militia had been called into service on a kind of duty which did not meet the approbation of the Senator; and that three branch mints had been unnecessarily established, two years before the present Administration came into power! And this was the sum total—these were the entire charges—which the honorable Senator could urge against the Administration. This was, then, the only foundation for the statements which had been made in every portion of the country, swelling the extravagance of this Administration to hundreds of millions. The vindication of the old Administration was now triumphant against the

charges which had every where been urged and reiterated by the friends of the new Administration. He and his friend from Missouri [Mr. Benton] had challenged the gentlemen of the Opposition in May last, to point out the items of that extravagance of which they complained in the aggregate. This challenge had not then been accepted. They remained silent. The Senator from Kentucky had now come forth with his specifications, and what was their character? They afforded ample testimony that the working of our Republican Administration had been admirable. Indeed, no Administration in this country could squander the people's money without detection, because the people always keep a vigilant eye over their public servants. A Republican Administration would not if it could, as it could not if it would, be guilty of extravagance. Their own high principles would condemn and forbid the act. There was no possibility, under the Constitution of our Republic, that any Administration could be guilty of expending money on useless and extravagant objects, without the previous authority of Congress. And here he was about to say, that the honorable Senator had treated a portion of his argument unfairly; but he would not apply such a term, as he had never met with unfairness from that source. The Senator had stated that he (Mr. B.) had maintained that the President could not be held responsible for the extravagance of officers acting under his authority. Heaven forbid! that he (Mr. B.) should ever have entertained such an idea. Far, very far from it. The President's task was an arduous one. Whilst it was the most honorable, it was also the most responsible station on earth. He had the selection of his own agents, and their improper acts must always attach odium to him. If his station were high, his responsibility was and ought to be great.

Now, for what had he (Mr. B.) contended? He had taken up the triumphant report of the Secretary of the Treasury—a report which could not be met—and had presented from it the expenditures of the Administration under their appropriate heads, and demanded whether any man could complain of them as furnishing evidence of Executive extravagance. What was the nature of Executive estimates? Did the Executive ever send estimates of expenditures to Congress which were not demanded by pre-existing laws? It was his duty to go through the statute book and furnish estimates of the amount required to execute existing acts of Congress; and whilst he confined himself to the performance of this duty, he was under no responsibility

whatever. Congress, and not the President, were then responsible. That was the point. The President stood upon the laws of the land, and had confined his estimates strictly to what they enjoined. He could not repeal any law. On the contrary, he was bound to carry every law into execution.

There was, he had expressly admitted, a class of cases in which a President ought to be held responsible for extravagance; and this was when he recommended unwise and unnecessary objects of expense to Congress. He would also be responsible, in a great degree, for the expenditures voted by his party in Congress even without his express recommendation, because it was fair to presume that he and they acted in harmony on all great public measures.

Again: He had declared that the Executive might be justly held responsible for the economical expenditure of public money whenever gross sums were appropriated towards the accomplishment of particular objects, and the employment of the money was thus necessarily subjected to his discretion. In such a case, it was his duty to see that the object should be accomplished in the cheapest and best manner; and if he failed to do so, he was justly censurable. Responsibility! Yes, the Executive was, and, on principle, ought ever to be, held responsible for the economical expenditure of the public money, in obedience to the laws of Congress.

Under all these admissions, said Mr. B., I ask the Senator to take up the report of the Secretary of the Treasury, and point out a single head of expenditure with which the country could have dispensed. He [Mr. Crittenden] said, yesterday, that he did not complain of any of those objects of expenditure. No, he did not —he could not; for, from the first to the last, there was nothing in that list which could have been avoided, with a proper regard to the interests of the country. He might add, that he believed there was nothing in that list which had not received the support of the Opposition, as well as the Administration party on this floor.

He had but a few words more to say in reference to the four items to which the Senator had specially referred. He deemed it unnecessary to follow him at length, because he had already furnished what he believed to be the facts; and they constituted the best refutation of his [Mr. Crittenden's] arguments.

In regard to the three hundred men taken from Missouri, the Secretary of War might have judged unwisely. He might

possibly, with equal advantage to the service, have taken a like number of men from Alabama, Georgia, Tennessee, or Kentucky. The people of these States were all equally brave with those of Missouri. There was no question about that. But if the Secretary had thought proper to employ three hundred Western hunters and trappers from Missouri, who were believed to possess more experience in the mode of attacking Indians, and driving them out of their Everglades, could the difference of expense in transporting these men from Missouri to Florida, above that of transporting a like number from Kentucky, be made a matter of grave accusation against the Executive? The Secretary may have judged unwisely, and the President may be responsible; but it was as light a responsibility as ever President bore. Unfortunately, a number of the horses belonging to these men were lost, and the Government had to pay for them; but this could not have been foreseen. All this might have been an error in judgment, though he (Mr. B.) believed it was not; still it could never be converted into a subject of serious charge against the President, or prove that he had been guilty of extravagance. In attempting to magnify into importance so small a matter, the Senator from Kentucky had unconsciously bestowed one of the highest compliments which he could pay to the economy of the Administration.

In regard to the provisions conveyed to the Cherokee country:—we know there was not only danger of a war with this powerful tribe of Indians, but that an incipient war then already existed. Blood had then been shed, according to his best recollection. The whole neighboring country was in commotion, and the people of the surrounding States were terrified and alarmed. Under such circumstances, was it not the duty of the Administration to collect troops for the defence of the country and the removal of the Indians? And he asked the honorable Senator if these troubles had not ended in peace; if war had been the result, and an army had been collected there without provisions, might not the Administration, with great justice, have been attacked for their improvidence? In such an event, they would have been guilty of a criminal dereliction of duty, not only against the army and the people of the States where the Indians were located, but against the whole people of the United States. And yet the burden of the Senator's charge against the Administration, is for doing an act, which, if they had not done, might have resulted in disastrous consequences to the whole country, in

case the threatened war had not been avoided. It became, therefore, absolutely indispensable to collect these provisions for the subsistence of the army; and it was only because, through the mercy of a wise and over-ruling Providence, another Indian war had been averted from the people of Georgia and the surrounding States, that this transaction could possibly have been converted into a charge of extravagance against the Administration. Who then can be justly blamed? There were the provisions and we ought to be thankful that they were not all rendered necessary. We had peace instead of war; and by the early dismissal of the troops, all of these provisions could not be consumed. Now he (Mr. B.) shrank from no responsibility on this occasion. He admitted that the Administration were responsible for the conduct of General Scott, a gentleman for whom he entertained the highest regard and esteem. That General had done but his duty as commander of the forces, in ordering these provisions, which he could not use, to be sold. Indeed he could not have acted otherwise.

But the Senator had intimated that this sale was not fairly made; and, that gold and silver being required in payment, the purchasers were Government agents, who bought in the provisions at a low rate, with Government money, for their own private emolument. If this were true, every one of these officers ought to be instantly dismissed. It was a heavy charge, and the Senator did not pretend to know anything about it, except from newspaper rumors, which were certainly not the most authentic source of information. He (Mr. B.) had heard that some of these provisions were damaged, and he had learned from the most authentic source that Ross would not purchase provisions from the contractors at any price, though he might have used them advantageously in removing the Indians. It is much more probable that the distance of these provisions from any point where they could have been sold for their value, and the consequent cost of transportation to such a place, together with the perishable nature of some of them, were the reasons why they did not command a greater price, than that the disbursing officers of the Government had been guilty of any fraudulent conduct. This, then, was among the sins of extravagance charged against Mr. Van Buren, although he knew nothing about it until long after it took place. Happy, indeed, would be the fate of the succeeding Administration, if no heavier charge could be made against them at the end of their term of service.

A few words more in regard to the Florida war. When Congress omitted to provide regular troops for the defence of Florida, what was the only alternative left? Did not this omission necessarily devolve upon the President the duty of calling out the militia for that purpose, under the Constitution and existing laws? The neglect of Congress to raise the force required by the Secretary of War, did not prohibit him from availing himself of the militia; but, on the contrary, rendered a resort to them imperatively necessary. The militia law still remained in full force; and to that, and that alone, could he recur for the defence of Florida.

[Mr. Crittenden here inquired whether Brigadier General Read was not an officer of the United States Army.]

Mr. Buchanan said certainly not. In his famous order, to which the Senator had himself referred, he had styled himself Brigadier General of the Florida Brigade. He was not an officer of the United States Army; but of the Florida militia; and he (Mr. B.) understood they had been called into service under the authority of our existing militia laws. And what else could the Secretary have done under the circumstances? What else would the Senator from Kentucky himself have done had he been Secretary of War? Would he have abandoned Florida whilst Florida was bleeding at every pore? Would he have said, "I demanded a mounted regiment of regular troops and Congress refused to grant it, and because they refused, I shall not order the militia into service, notwithstanding the existing law renders this my duty. Let the blood shed in Florida be upon the head of Congress, I am innocent!" No, there was not a man in America who would not have recoiled from such reasoning, and none sooner or more repulsively than the honorable Senator himself.

And yet, with all his eloquence and ingenuity, to what had he finally been driven? To read an extract from some newspaper, the name of which he had not thought proper to give us, for the purpose of exciting a laugh and a sneer in the Senate of the United States. All this was "at the expense of Uncle Sam;" but, from information derived from the Department itself, he could assure the gentleman that these militia infantry did not, as the paper alleged, receive $18, but merely $7 per month—the pay of United States infantry soldiers; and that, too, without either bounty, clothing, or rations. Now, Heaven forbid that the time may ever arrive, in this country, when Senators should seriously attempt to criminate any Administration on this floor

by bringing here the tittle-tattle of a newspaper, whilst they could obtain the information desired in an authentic and official form from the proper Department. How unnecessary, as well as unjust, was it to attempt to prove a high officer of the Government guilty of misconduct by newspaper statements, when, upon the motion of any member, the power of the Senate would at any time be exerted to prove him guilty, if guilty he were, by official documents authenticated under his own hand? And yet this was the course which the honorable Senator had thought proper to pursue.

But, says the Senator, how could these two hundred militia infantry have raised a crop of corn between the last adjournment of Congress in July and the present time? But had he not informed the Senator that while the question was depending before Congress, whether mounted men should be raised for the defence of Florida, the Governor of that Territory, knowing that the expense would eventually fall upon the Government of the United States, had called these men into service before our adjournment, and under the Secretary's advice he had adopted the policy previously pursued to encourage the raising of provisions for the army? If the gentleman thought proper, at any time, to call for authentic information on this subject, it would be furnished him most cheerfully by the Department.

These, then, are the items of extravagance with which the retiring Administration were charged, and this was the indictment preferred against them. The branch mints are still continued; and the President is condemned because, forsooth, he does not abolish them! Now, could the President repeal the law which created them? Could he undertake to say he would not execute the will of Congress declared by an act of Congress? If he had closed these mints by his own authority, he would have been guilty of the highest crime against the Constitution of his country. He would, by usurping the prerogative of annulling acts of Congress, have placed himself above the Legislative power. He might then, with justice, have been denounced and condemned as a tyrant. And yet it has been made a grave accusation against the President, that he had not shut up these branch mints, because they were too expensive—that he had not done an act, for doing which he ought to have been impeached and deprived of his high office. The Senator from North Carolina [Mr. Mangum] took a more correct view of this subject. He thought, with him (Mr. B.) that Congress was the proper source

of power in such cases. Let us move on in the ancient constitutional manner; and although there might be some "prospects" of gold around Dahlonega and Charlotte, he would vote at any moment for the repeal of the law which had established these branch mints. He believed them to be unnecessary; but how the present Administration could be held responsible for their expenses, he was utterly at a loss to determine. Nothing but the ingenuity of the honorable Senator could ever have led to the suggestion. He could draw upon the abundant fountain of his wit, and turn the most serious subjects into ridicule, when it suited his purpose; but he would never succeed in blotting out from the minds of the people of this country the gratitude which they would yet feel towards an Administration against which no charges of extravagance could be made, except such as he had enumerated.

TO GENERAL PORTER.[1]

SENATE CHAMBER, WASHINGTON, February 9, 1841.

MY DEAR SIR:—

The third crash of the Bank of the United States so soon after its resumption has taken us all by surprise. I sincerely hope that it has made its last struggle, and may now go into final liquidation. Whilst I regret the sufferings to which its stockholders may be exposed, I yet believe that its dissolution is necessary to the prosperity of the country. As long as it shall continue to exist, it will continue to derange the business of the country, and produce again and again those revulsions to which we have been subjected. It has ever been a lawless institution, and has done what it pleased, knowing that to destroy it would subject the people to evils which they would be unwilling to encounter. We ought to rejoice that it has now destroyed itself. I most sincerely hope that you may take this view of the subject; and adhere strictly, as I have no doubt you will, to your opposition to permitting the banks to issue notes under five dollars.

As a sincere friend, both personally and politically, I have

[1] Curtis's Buchanan, I. 454–455. David Rittenhouse Porter, son of General Andrew Porter, and a native of Pennsylvania, served in both branches of the State legislature at different times, and was governor of Pennsylvania from 1839 to 1845. He died in 1867.

deemed it to be my duty to make these suggestions, and I have no doubt you will receive them as they are intended.

From your friend, sincerely,

JAMES BUCHANAN.

GEN. DAVID R. PORTER.

TO GENERAL PORTER.[1]

WASHINGTON, February 17, 1841.

MY DEAR SIR:—

Sitting "solitary and alone" in my private room, the thought has just struck me that I would address you a few lines. If I were capable of envying any man, I should envy the position in which you are now placed. The eyes of the Democracy of the whole Union are now directed towards you with intense anxiety; and all you have to do to render yourself an object of their respect and admiration is to adhere firmly to your avowed principles. That you will adopt this course, I have not the shadow of a doubt.

To put down the Bank of the United States will be a measure of the greatest relief to the State. It has not strength enough to assist the people; but must exist by borrowing money and crippling other institutions. If it were out of the way, the other State institutions might safely be left to the people of the State. And I firmly believe there would be no serious attempt to forfeit their charters. The Bank of the United States makes a merit of having loaned large sums to the State government, when, by this means, it has preserved its existence this long. It exchanged its own paper for what would command specie, and enable it to raise money abroad. Whilst, therefore, I feel for the distress of those whom it has ruined, I believe its going into liquidation would be the best relief measure which could be adopted. It may occasion much suffering for the present; but this will soon be over, and all may then again hope to see settled times.

When I sat down, I wanted to say a word against small notes; but I am interrupted and must stop.

Ever sincerely your friend,

JAMES BUCHANAN.

GEN. DAVID R. PORTER.

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[1] Curtis's Buchanan, I. 455.

REMARKS, FEBRUARY 18, 1841,

ON THE ELECTION OF A PUBLIC PRINTER.[1]

The Senate then proceeded to the consideration of the resolution to elect a Public Printer for the 27th Congress, the motion pending being that made by Mr. Huntington to postpone its further consideration until the 4th of March next.

Mr. Buchanan said that the Senator from Kentucky [Mr. Clay] first, and after him the Senator from South Carolina, [Mr. Preston,] had so clearly pointed out what would be the course of the next Administration in regard to removals from office, that doubt or difficulty on this subject could no longer embarrass the public mind. This distinct annunciation of Whig principles, proceeding, as it did, from such commanding authority, would instantly relieve the anxious minds of a very large number of office-holders. According to the avowal of the two distinguished Senators, the inquiries respecting each man now in office would be, was he honest?—was he capable?—was he faithful?—and had he abused his official trust in promoting the re-election of Mr. Van Buren? If his past conduct had been such as would enable him to endure the application of these several tests without injury, then he would be retained. On the other hand, if it should be established that any officer was either dishonest, or unfaithful, or incapable, or had brought the influence of his office into collision with the freedom of elections, we should be very captious, indeed, if we were to complain of his removal.

A suspicious man might, until this auspicious day, have apprehended that an extensive latitude would be taken in construing what was meant by the abuse of office for electioneering purposes; but the Senator from South Carolina had also been clear and explicit upon this subject. He had declared, in the strongest terms, that an office-holder, like all other citizens, had a right to express his opinion and to give his vote according to the dictates of his own judgment; and if he had confined himself to the exercise of these constitutional privileges, he would be in no danger of removal. To use his own strong language, he had proclaimed it to be a cardinal doctrine of the Whig faith, *that proscription must be proscribed.*

This liberal doctrine would save from proscription all our foreign ministers and other diplomatic agents who had been

[1] Cong. Globe, 26 Cong. 2 Sess. IX. 194–195.

absent from the country during the late struggle: but he (Mr. B.) could hardly expect so much generosity even from the Whigs. These were essentially political offices, and we could not complain if they should be filled by individuals enjoying the entire confidence of the new Administration. He would not, therefore, hold his friends on this side of the House to such a strict construction of their own principle as would prevent them from making any changes in our diplomatic corps. There was, however, another numerous class of foreign agents, (he referred to our consuls,) which, he rejoiced to say, would all be protected from proscription, both by the letter and spirit of the rule. He had himself received some letters from individuals of this class, expressing strong apprehensions lest they might be removed from office; and he had not ventured to give any of them much encouragement. He could now tell them that they might dismiss their fears—nay, that they might even dispel their doubts—if they had been honest, faithful, and capable. From their residence abroad, and from the purely commercial nature of their duties, it was almost impossible that they could have abused their official trusts in promoting the re-election of Mr. Van Buren. These useful public servants, then, who were scattered over every civilized country on the face of the earth, and who had been engaged in their appropriate duty of aiding and protecting our foreign commerce, would all be safe under the tolerant sway of the new Whig Administration.

There was another class of officers, if officers they might be called—he meant the clerks in the different Departments—who would sleep sounder to-night than they had done since the result of the Presidential election was known. Their condition was most dependent and pitiable: and many mothers, wives, and daughters, had spent anxious days and sleepless nights in dread, lest their sons, or husbands, or fathers, might be removed from office, and their families be thus deprived of the means of subsistence. Let them now cheer up and rest in perfect security. All was safe. The disfranchisement of these clerks would prove to be their best security. They could not by possibility have voted for Mr. Van Buren, and the expression of their opinion in favor of his re-election would never cause their removal. Nobody ever heard of a mere clerk's appointment, in this disfranchised District, being abused and brought into conflict with the freedom of elections. Such an idea would be ridiculous. Now he must confess that he himself had hitherto entertained an

apprehension lest such clerks as had expressed their opinion in favor of the re-election of Mr. Van Buren, and against that of General Harrison, might be removed for this cause; but he was now happy thus publicly to acknowledge his mistake.

By the multitude of office-holders throughout the Union, "the potential voice" of the two Senators would be heard with delight. For his own part, he had been chiefly anxious about the fate of a worthy and respectable widow lady, who was postmaster in the city where he resided. Gentlemen might smile, but postmaster was the word; and an excellent postmaster she was. This lady was the only relic which remained of the olden time, when no rule existed to prevent ladies from being appointed postmasters. Her last companion had been a respectable lady who was postmaster at Georgetown; but even this companion had recently deserted her, and got married. She was, therefore, left solitary and alone, being the only female in the United States who now held a post office whose emoluments exceeded one thousand dollars, and who, under the law of 1836, had received her appointment from the President and Senate. Even this old lady became apprehensive, from the Whig movements around her, that she might not be permitted to serve out her term of office. He had told her not to be uneasy—that General Harrison had too much gallantry to remove her, whatever might be the fate of other office-holders. These assurances he had ventured to give on the merit of her own claims, which he had thought would constitute an exception from what he then believed would be the general rule. She might now rest doubly satisfied that she was in no danger, because there would be no proscription for mere opinion's sake anywhere, and nobody would pretend that this old lady had ever entered the field, armed with her official influence, either to defend Mr. Van Buren or to attack General Harrison.

It was greatly to be regretted that the two Senators had not, at an earlier period, more distinctly avowed their horror of proscription. This might have saved their friends in different portions of the Union from such unnecessary trouble and expense. The general though mistaken impression in his State had been that the political friends of Mr. Van Buren would be removed, and that the Whigs, who had borne the heat and burden of the contest, would be rewarded with their places. This erroneous impression was not confined to Pennsylvania, but had certainly extended to New York, as he had recently received a letter from

a town in that State, and that not a very large one either, informing him that there were twenty applicants for the post office there—all struggling to obtain subscribers, and all ready to rush to Washington to attend the inauguration. These gentlemen could not have known that the system of rewards and punishments was abolished forever, and that we were now soon to be blessed with a political millennium.

The virtue of the Senators would be violently assailed; and if it were capable of yielding to importunity, we might dread the result. When General Jackson first came into power, the applicants for office were more numerous than he had ever expected to witness; but, from what he had heard, the rush for office here on the fourth of March next, would greatly surpass anything which had ever been seen before. Numerous as had been the individuals anxious to obtain office on the accession of General Jackson, he would venture to predict that there would be, in the city of Washington, on the day of General Harrison's inauguration, at least double that number of patriotic Whigs, ready to rush into the service of their country, and seize upon official stations.

The question was then taken on Mr. Huntington's motion to postpone, and negatived—yeas 19, nays 26; Mr. Buchanan voting in the negative.

The question was then taken on the resolution, "That the Senate will, on Saturday next, at one o'clock, proceed to the election of a Public Printer for the Senate for the Twenty-seventh Congress," which was passed.

REMARKS, FEBRUARY 27, 1841,

ON THE REORGANIZATION OF JUDICIAL CIRCUITS.[1]

Mr. Buchanan said: As he intended to vote in favor of this amendment, proposed by his friend from Alabama, [Mr. Clay,][2] he should briefly state the reasons which had brought his mind

[1] Cong. Globe, 26 Cong. 2 Sess. IX. 215.

[2] The amendment provided that the eastern and western districts of Pennsylvania and the district of New Jersey and the district of Delaware should form the third circuit; the district of Maryland and the eastern district of Virginia, the fourth circuit; the district of North Carolina, the eastern and western districts of South Carolina and the district of Georgia, the fifth circuit, etc.

to this conclusion. So far from intending hostility to the "Old Dominion," he felt great pleasure in declaring that she had always justly enjoyed a very high and elevated character in the Confederacy, and that character, in his estimation, had never stood higher than at the present moment. He would much rather add to her laurels than pluck a single feather from her proud plume. His support of the present amendment must not, therefore, be construed into hostility to Virginia. He had never, in his life, felt more strongly convinced of the propriety of any vote which he intended to give, than upon the present occasion. The question was within a very narrow compass. It was simply this: Shall we prolong the existence of a judicial circuit east of the mountains which is not at all required to transact the judicial business of the country; or shall we abolish it, and in its stead establish a new circuit in the Southwestern portion of the Union, where it is so much wanted that it is now physically impossible for the circuit Judge there to transact one-half the business, or even personally to attend all the courts appointed by law to be held. This was most certainly the true state of the case; and under such circumstances, he did not believe that the people of Virginia, merely for the sake of obtaining the appointment of an unnecessary judge, would deprive their fellow-citizens of the Southwestern States of a court which was absolutely indispensable to their best interests.

The present number of Judges on the bench of the Supreme Court was already greater than he could have desired. Nine was too large a number if it could have been avoided. He would not go into the general question at the present moment, but he believed he was fortified in this opinion by all experience. It might become absolutely necessary to increase this number; and in that event, but in no other, should he ever give his consent to it. The question, then, with him, would be, did the transaction of the necessary business of the courts absolutely require an increase of the number of the judicial circuits? If it did, he might then feel himself constrained to add to the number of the judges. Fortunately, no such necessity at present existed, nor would it, he believed, for many years to come, in case the present amendment should prevail. The fifteen States east of the Alleghany Mountains had now six of the nine judges, whilst the eleven Western and Southwestern States had only three. The business in the three Southern Atlantic circuits was notoriously inadequate for the employment of the judges. Maryland and

Delaware constituted the present circuit of the Chief Justice; and he had expressed his entire willingness to hold the circuit courts in Virginia, should this be required by Congress. He would experience no difficulty whatever in transacting the circuit court business of these three States; and even with this addition, a great portion of his time would be unemployed. The same might be said of Judge Wayne, whose present circuit consisted of South Carolina and Georgia. He was willing to hold the circuit courts in North Carolina, and could do it without inconvenience. Indeed, there was comparatively but very little circuit court business in any of the Atlantic States south of Maryland. The judges of the Supreme Court themselves were convinced of the propriety of abolishing the Virginia and North Carolina circuit, and giving the new judge to the West; and, in contemplation of this change, they had made the arrangement proposed by the present amendment, which would enable nine judges conveniently to transact all the judicial business of the country.

What utility, then, was there in continuing the Virginia circuit? The public interest did not demand it—the public good did not require it. Nothing could be said in its favor, unless it might be the question which had been asked by his friend from Virginia, [Mr. Roane,] Would you blot out of existence the ancient circuit of Virginia and North Carolina? I answer, yes, if time and experience had shown its existence to be unnecessary, and even prejudicial to the public welfare, by preventing another portion of the Union from obtaining a judge, where such a judge was imperatively required. It ought not surely to wound the feelings of the people of the Old Dominion, to be united to Maryland and Delaware for judicial purposes, when such an union was necessary to promote the public welfare. This was not a question of pride, but of principle. He might say the same of North Carolina.

Placed in similar circumstances, he might probably have acted as his friend from Virginia [Mr. Roane] had done. Our feelings were naturally very strong for our respective States, and these feelings were highly honorable. It was, however, his duty to decide this question impartially, and he had never felt less hesitation in deciding any question than the present.

The inscrutable decree of an all-wise Providence had created a vacancy on the bench of the Supreme Court, by the death of a judge whose loss we all deplored. This enabled us to abolish a circuit wholly unnecessary in this portion of the Union, and

create a circuit in the Southwest, where a new circuit was indispensable, without increasing the number of the Supreme Court judges. He thought it wise to embrace this opportunity. If you once appointed a judge for the Virginia circuit the case was hopeless. You could not then break up his circuit and ask him to transfer his residence to the far West. No judge would ever be transferred by Congress, against his will, from the East to the West. Who would have thought of making such an attempt in regard to Chief Justice Marshall or Judge Barbour, although the business in their circuit was comparatively so trifling? It would have been cruel as well as unjust. The present, therefore, was the propitious moment when such an arrangement could be made, and when the public might be accommodated without doing injustice to any human being.

He need scarcely repeat, that in the vote which he proposed to give, he intended no disparagement to Virginia or North Carolina. The whole country ought to feel grateful to Virginia for the distinguished luminaries which she had furnished to the bench of the Supreme Court; but as five circuits on our Eastern maritime frontier were, in his opinion, abundantly sufficient to transact all the judicial business, he would not prolong the existence of the sixth, merely for the purpose of enabling Virginia to furnish another judge to the Union.

He was sorry to entertain but a feeble hope of the passage of the bill. Its friends ought to have first tried it in the other House, and if it had passed there, he presumed there would have been but little difficulty here. If we should pass it, of which he entertained no doubt, he feared it never would be touched by the other House.[1]

REMARKS, MARCH 1, 1841,

ON THE NORTHEASTERN BOUNDARY.[2]

Mr. Buchanan said he was instructed by the Committee on Foreign Relations to move to be discharged from the consideration of the resolution which had been referred to that committee, "requesting the President to communicate to the Senate, if not

[1] The amendment was adopted—ayes 34, noes 13; Mr. Buchanan voting in the affirmative. The bill, after further amendment, was passed. (Cong. Globe, 26 Cong. 2 Sess. IX. 216.)

[2] Cong. Globe, 26 Cong. 2 Sess. IX. 217–218.

incompatible with the public interest, any correspondence which may have taken place between this Government and that of Great Britain relative to the Northeastern boundary, not heretofore communicated to the Senate."

He would state, with as much brevity as possible, the reasons which had induced the committee to believe that it would be inexpedient, at the present moment, to publish the correspondence to which the resolution referred.

It would be recollected by Senators who had directed their attention to this subject, that in consequence of the correspondence already published between the two Governments, and to which he need not particularly refer, it became the duty of Great Britain to submit to our Government the projet of a convention for the settlement of this long disputed boundary question. This duty had been performed by the British Government in the month of May, 1839. The President did not approve of this proposed convention, chiefly because it contained no ultimate provision which must inevitably and finally determine the controversy between the two countries. Indeed, from its character, it was quite probable that, had it been adopted, it would not have produced this result so much to be desired. And the President was firmly convinced, considering the long delay, the high state of mutual irritation existing along the border, and the imminent danger of actual collision, that the interest of both parties imperatively demanded the adoption of such treaty stipulations as must necessarily make an end of the question. The British Government had since unequivocally coincided with the President in these sentiments, and the two Governments had already agreed upon the essential points of a convention based upon these principles, and alike advantageous and honorable to both. There were still some provisions of this convention, of comparatively minor importance, and involving detail rather than principle, which had not yet been agreed upon; but if it were the sincere desire of both parties, as he believed it was, to arrive at an amicable conclusion, the negotiation must soon be successfully terminated. Under these peculiar circumstances, the committee believed that it could do no good to either party, whilst it might be embarrassing to both Governments, to publish to the world the correspondence and the different projets and counter-projets of treaties which had passed between them.

Mr. B. said that his official position in the Senate had afforded him free access to all this correspondence. He had

examined it with care, and would now frankly state the impression which it had made on his mind. Although he would not pretend to say that there were no omens of war in the conduct of the British Government on our Northern frontier, yet this he should assert, with much confidence; that in the negotiation itself relative to our Northeastern boundary, nothing had occurred inconsistent with the sincere and anxious desire which had always been professed by that Government to preserve the peace which now so happily subsisted between the two countries, and to bring the question to a final and satisfactory conclusion. Probably this expression might be too strong, and he ought to have qualified the general terms he had used, by excepting the delays we had experienced from the tardy movements of the British Government at every stage in the progress of the negotiation. Still he felt himself justified in using, at the present moment, the language of the President in his message at the commencement of the session; that, "from the character of the points still in difference, and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation." He had reason to believe that such were still the anticipations of the President in regard to the Northeastern boundary question.

Mr. B. said that on the present occasion he should purposely refrain from the expression of any opinion in regard to the case of the steamboat Caroline. This was rendered unnecessary by the fact that all the correspondence in relation to this subject, of any general importance, had already been published, and each Senator had the same means of forming an opinion which he himself enjoyed. There was no truth whatever in the rumor, now so current, that there had been an angry correspondence between the British Minister and the Secretary of State since the date of the last correspondence between them, now before the public. There was no foundation for this rumor. It was true that, since that time, a single note, bearing upon this subject, had been addressed by Mr. Fox to Mr. Forsyth, which the latter had answered; but this note and answer were of so little importance, that he (Mr. B.) did not deem it necessary to call for their publication, and their tone was far from being of an angry character.[1]

[1] After Mr. Clay addressed the Senate, the question was taken on discharging the committee from further consideration of the subject, and it was agreed to.

REMARKS, MARCH 8, 1841,

ON THE DISMISSAL OF BLAIR AND RIVES AS PRINTERS TO THE SENATE.[1]

The question coming up on the adoption of the resolution to dismiss Blair and Rives as the Printers to the Senate for the 27th Congress,

Mr. Buchanan said he did not rise to oppose this resolution in the slightest hope that he should prove successful. He had no doubt execution was to be done, and that speedily, on Blair and Rives. The decree, the irreversible decree, had gone forth, and it must and would be executed. He had a few words to say, not with any expectation of arresting the judgment, because he knew this would be vain; but for the purpose of directing the attention of the Senate and the country to this extraordinary proceeding. He firmly believed that a principle would be established by the adoption of this resolution long to be remembered, and long to be deprecated.

In the Inaugural Address, which was delivered but a few days ago, he found the following sentiment:

> It was the remark of a Roman Consul, in an early period of that celebrated Republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carrying out, in the latter case, the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse of upwards of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective governments would develop similar instances of violated confidence.

What was the aspect of the case now before them? Did it not illustrate, in the most striking manner, the position maintained by the distinguished man, now the President of the United States? Hereafter he would have no occasion to travel back two thousand years, for the purpose of citing the authority of a Roman consul to prove that professions before an election, and practices after it, were two very different matters. His own friends in the Senate were about to establish a modern precedent on this subject, which would cast antiquity into the shade.

This was not merely the case of removing an officer, or "*quasi*" officer of the Senate, for political offences—no such thing. If this had been all, although it would have violated that

[1] Cong. Globe, 26 Cong. 2 Sess. IX. 238–240, 241–242.

primary canon of the Whig faith, that "proscription must be proscribed," he should not have been, in the slightest degree, astonished. Indeed, it would then have been nothing more than he had anticipated. But the present case was far different. It was an attempt on the part of the Senate to violate as binding a contract as could be entered into by human language. It would present the spectacle before the American people of this body disregarding its plighted faith, and, in the face of the world, trampling under foot the vested rights which two American citizens had acquired under their contract. He would not be afraid to leave the decision of this question to any judicial tribunal in the land, upon a mere statement of the facts, against all the arguments which ingenuity could adduce on the other side.

From the character of the resolution offered by the Senator from North Carolina, [Mr. Mangum,] it might be easily inferred that a military chieftain was at the head of the Government. His resolution was in true military style, and its language was precise, striking, and much to the point—without ambiguity, and without a single unnecessary word. The following was a copy of it:

"*Resolved*, That Blair and Rives be dismissed as Printers to the Senate for the 27th Congress."

Short, pointed, and directly to the purpose, it was in the true style of Richard the Third: "Off with his head! So much for Buckingham." "If reasons were as thick as blackberries," he supposed their friends on this side of the House would not give us one "upon compulsion:" still less would they do so, when they had no reasons to give. The resolution, therefore, was an act of mere naked power, without any cause being assigned on its face for its adoption. There was but one legitimate cause which could, by possibility, have been assigned; and that had no existence in this case. If Blair and Rives had violated any essential stipulation of their contract, it might probably have justified the Senate in annulling it altogether, and employing other Printers to perform the work. This was not, this could not, be pretended. It had never even been insinuated that Blair and Rives had not heretofore faithfully performed their duty as *Printers* to the Senate; and this was the best pledge which could be given that they would do so hereafter. Why, then, were they to be dismissed in this military style? Why was our own solemn contract with them to be forfeited? Was it not simply because they were the editors of a political newspaper, and dared to pub-

lish articles in opposition to the party now in power? This had been openly avowed as the reason.

"Off with his head!" What sin had poor Mr. Rives ever committed, that he should be executed with Mr. Blair? It was true that Mr. Rives was a partner in the firm, and in this capacity had entered into the contract; but it was equally certain that the duties which he performed were of a mere business and mechanical character, and he had never given cause of complaint to any person. Why, then, should the political offences of Mr. Blair be visited on the head of his unoffending partner, and the whole Globe be prostrated for the purpose of reaching a single sinner?

This was, however, no subject to jest about; but a question —and he said so with the utmost sincerity and solemnity—involving a principle of greater importance to the people of this country than any which had been before the Senate of the United States since he had been a member of the body. Should Blair and Rives be dismissed from their contract, it would be recorded as a precedent, and would prove to be the fruitful foundation of many evils in our future history.

He would state the facts of the case with as much clearness and precision as he could.

Previous to the year 1819, the printing of Congress had been executed under contracts entered into with the lowest bidders, by the Secretary of the Senate and the Clerk of the House of Representatives, respectively. After long experience, it was found to be necessary, for reasons which he should not then enumerate, to change this practice, and fix the mode of employing Printers by positive law. Accordingly, on the 3d March, 1819, a joint resolution was adopted by Congress, and approved by the President of the United States, declaring that each House, previous to the termination of every Congress, should elect a suitable person to execute its own printing "*during the next Congress.*" This resolution prescribed particularly the manner in which the printing should be done, and the prices which were to be paid to the Printer. The chief reason for adopting the resolution was clear and obvious. It was utterly impossible that any new contractor could be prepared with the necessary paper, materials, and workmen to execute properly the printing for either House of Congress, without some months' previous notice; and, therefore, the joint resolution gave him the time for preparation, which would necessarily elapse between the termination of one Congress and the meeting of another. The Printer, thus elected,

was required "to give bond, with sureties, to the satisfaction of the Secretary of the Senate, *for the prompt, accurate, and neat execution of the work.*" And what power was granted by the resolution to your Secretary over this Printer? Why, sir, in case of any inconvenient delay in the delivery of the work, the Secretary was authorized to employ another Printer to perform any portion of it he thought proper; and, if he were obliged to pay an increased price, he was directed to charge this excess in the account against the regular Printer.

There was not one word in this resolution, from beginning to end, which gave the least color to the idea that this Printer was an officer of the Senate. Throughout the whole of it he was not called an officer, nor was his employment alluded to as official, nor was there a single term used which was not in strict accordance with the mechanical nature of the work to be performed. Thus, then, stood this case. A solemn contract had been entered into—under the joint resolution of 1819, confirmed as it was by the subsequent resolution of 1829—with Blair and Rives, who had been duly elected Printers to the Senate—their bond, with sureties, had been approved by the Secretary—the agreement on both sides was perfect and complete, and, by its term, was to endure throughout the twenty-seventh Congress; and these contractors had thus acquired an absolute right, which no human power could constitutionally divest, to execute our printing and receive for their work the stipulated compensation. Ten times in uninterrupted succession had the Senate elected printers under this resolution of 1819, and ten times had the Printers thus elected executed the printing "during the next Congress."

When the eleventh period of election arrived, the Senators on this side of the house were seized with violent constitutional scruples. They denounced the joint resolution of 1819 as unconstitutional; and, to manifest their abhorrence of its provisions in a still more striking light, they resorted to the revolutionary movement of refusing to vote for Printer, and of giving notice that the moment they obtained the power they would nullify the election. According to their opinion, the Congress which had adopted the resolution could have known nothing about the provisions of the Constitution; and our predecessors, who, for almost a quarter of a century, and in times of the highest party excitement, had carried it into execution, must have been stupid dolts. During the whole of this long period they had been

violating their oath to support the Constitution; for Senators on this side of the house had assured us that the joint resolution of 1819 was so plainly unconstitutional that he who runs might read. No, sir, no: this would not do. This mantle was not broad enough to cover them. Without intending to give offence to anyone, Mr. B. said, it would have been better, much better, for them to have boldly avowed that they were acting upon Rob Roy's rule:

> "*That they should take who have the power,*
> And they should keep who can."

This was their rule of action on the present occasion. The party to which he belonged had been denounced as Loco Focos, Agrarians, Levellers, and violators of vested rights. Should the resolution be adopted, all these hard names would, he trusted, be at once transferred to their opponents.

But the resolution of 1819 was unconstitutional! And if it were so, what would be the consequence? It was this: that no constitutional power existed to pass any law under which a binding contract could be made for printing, or for the performance of any other mechanical labor for either House of Congress, previous to the meeting of that Congress for which the work was to be performed. And why? Because, say the Senators, the person who contracts to perform such printing, is thereby at once transformed into an officer of the Senate; and each Senate possessing the power under the Constitution to choose its own officers, the act of employing such a Printer by a previous Senate is in derogation of the constitutional right of choice, which belongs to the succeeding Senate; and is, therefore, unconstitutional, null, and void. This had been the argument! It was difficult to treat it seriously; but he should briefly show that our Printer was not an officer of the Senate in the constitutional sense; that if he were, it would not authorize the violation of this contract; and that no such thing existed, under our system of Government, as a previous and succeeding Senate, the Senate being a permanent body.

What argument had been used to prove that the firm of Blair and Rives was an officer of the Senate? He had heard but one; and that was the argument of the Senator from Delaware, [Mr. Bayard,] which had afterwards been endorsed by the Senator from Kentucky, [Mr. Clay.] The Senator must have been hard run to obtain it, for he was obliged, for that purpose, to go back to a period of the world before the art of

printing was discovered. This he believed was about its form. "If the art of printing had not been discovered, our Secretary must have employed a great number of amanuenses to make copies of our proceedings, but the printers now make such copies by means of their type; therefore, the printers may be considered as deputies of the Secretary and as officers of the Senate." This argument assumed the fact, that, had the art of printing not been discovered, every amanuensis who might have been employed for the purpose of making copies of our journals and proceedings for distribution among the people, would necessarily have become an officer of the Senate. If this illustration had not been so far-fetched, he should not have desired one more striking to prove the fallacy of the Senator's own argument, than that which he himself had thus presented. Was not the idea perfectly absurd, that the hundreds of mere copyists whom it would have been necessary to hire, had not the art of printing been discovered, would each one of them have become an officer —a deputy Secretary of the Senate? In this purely imaginary case, it would have been still more necessary than even at present, to have provided, by contract, at a preceding Congress, for procuring a great number of copyists; and it would then have been still more inconvenient to have held that no power existed under this Government which would enable Congress, at a previous session, to provide copyists for future service. But the bare statement of the proposition was sufficient to convince every candid and unprejudiced mind that the mechanic who contracted to perform the printing of the body, and was to receive for it the regular wages fixed by law, was not one of our officers. Was the clock-maker, employed by the year to regulate your clock,— or the paper-maker, who contracted with your Secretary to furnish the Senate with stationery, an officer of the body? Certainly not.

The printing of the Senate was a mere mechanical work, to be executed by men possessing skill in the art, and to be paid for in proportion to the amount of labor actually performed; and we might, with equal propriety, call any other man, who performed mechanical labor for the Senate, an officer, as thus to denominate the Printer. The fact of his election by the Senate could make no difference. It was the nature of the employment, not the mode of selection, which constituted the officer. If our Printer were now an officer of the Senate, he had been equally so during the long period preceding the year 1819, when he

was selected by the Secretary; and all the Printers would be so again, who might be employed by the Secretary under the resolution of Congress, in case the elected Printer should fail to perform his duty.

This joint resolution was conceived in great wisdom. What was the case before its adoption? Congress met—printing was immediately required, and the Clerk was authorized to employ the Printer; but the Printer was not prepared, and could not be prepared immediately with his paper, materials, and hands to perform the work. Great delay and defects in the execution of the printing were the inevitable consequence; and, in order to remedy these evils, the joint resolution was passed.

But suppose we should admit, for the sake of the argument, that Blair and Rives were officers of the Senate—would this benefit the Senators in the slightest degree? He apprehended not. Could not the Senate enter into a contract with its own officers which would be binding upon it? He should be glad to hear any argument to prove that it could not. Let us, then, suppose that the joint resolution had declared, in specific terms, that the Printers elected under it should be officers of the Senate; would such a declaration authorize the Senate to violate its own solemn contract with these officers? This was the position which gentlemen must establish, or they must fail in their argument. The resolution having expressly declared that the persons elected should have the printing of the Senate throughout the whole of the next Congress, and having required them to give a bond with sureties faithfully to execute the work during that period, could the Senate now, by dismissing them, even if they were officers, relieve itself from the obligation of the contract, which, by its terms, was to continue until the termination of the next Congress? No, sir; this contract stood firm and would endure as long as the Constitution of the country shall remain in force. No human power could rightfully annihilate its binding obligation. He would pledge his whole fortune that such would be the decision, could this plain, simple question be submitted, even without a word of argument, to the tribunal now in session below us, (the Supreme Court.) Gentlemen, therefore, would not gain their point by proving, if they could, that Blair and Rives were officers of the Senate.

Senators had contended that one Senate or one Congress had no right to elect officers for their successors; and that, therefore, the joint resolution violated the Constitution, because it gave

the election of a Printer for the next Senate to that which had expired on the third of March. This was as strange a position as any which had been assumed throughout the argument. An old Senate and a new Senate! There could be no *new* Senate. This was the very same body, constitutionally, and in point of law, which had assembled on the first day of its meeting, in 1789. It had existed without any intermission, from that day until the present moment, and would continue to exist as long as the Government should endure. It was emphatically a permanent body. Its rules were permanent, and were not adopted from Congress to Congress, like those of the House of Representatives. For many years after the commencement of the Government, its Secretary was a permanent officer, though our rules now required that he should be elected at stated intervals. The Senate always had a President, and there were always two-thirds of its actual members in existence, and generally a much greater number. It would be useless to labor this question. Every writer, without exception, who had treated on the subject, had declared the Senate to be a permanent body. It never dies; and it was the sheet-anchor of the Constitution, on account of its permanency. Senators were thus deprived of the poor apology that one Senate had no right to bind its successors. Here, then, we had the spectacle presented of the Senate, in all the forms of law, but two weeks ago having elected an *officer,* if Senators would have the firm of Blair and Rives thus called, and now dismissing that officer, and annulling their own solemn contract, which, by its express terms, was to endure for two years. If such things could be done—if this body of high and commanding influence throughout the country could thus set aside its contracts, and that at a period when too strong a disposition already existed in the public mind to disregard the faith of contracts, Heaven only could foresee what might be the disastrous results. The force of our evil example would be felt throughout the Union; and if we sanctioned the principle that no contract could be binding on us, it was one which would be carried out in practice by other legislative bodies.

Let him beseech Senators to pause and reflect upon the tremendous consequences which might probably result from the adoption of the resolution. Once establish the principle that this body can exercise the power of violating a solemn contract, into which they had deliberately entered, and what would become of the country? Did it not at once sanction the principle in its

fullest extent, which had been falsely attributed to the party to which he belonged, that a succeeding Legislature had a right to repeal the contracts entered into by a preceding Legislature? The principle on which this resolution was based, would completely justify Governor McNutt in his outrageous attempt to annul the bonds of the State of Mississippi. The principle which lay at the root of both cases was precisely the same, and the violation of faith in both cases would be similar. Blair and Rives, by virtue of a solemn contract, had a vested right to perform the printing of the Senate for two years, and to receive the price fixed by law for their work; and if we could now nullify this vested right, and release ourselves from the obligation of our contract, neither Mississippi nor any other State in the Union was obliged to pay its debts. If the Senate could not be sued, neither could the State be. In this respect, they both stood upon the same footing. A regard for public faith, and that alone, could bind either of them to the performance of their contracts.

But did Senators not perceive what a dangerous example they would set to us by violating this contract, and dismissing Blair and Rives from being Printers to the Senate? The signs of the times plainly indicated that it was their intention to charter a Bank of the United States, if they could, at the special session. Now, sir, the Democratic Senators firmly believe that Congress have no power under the Constitution to establish such a Bank. Suppose, then, we should imitate their example and refuse to vote upon the question, at the same time declaring to the world our fixed purpose to repeal the charter at the very first moment the Democracy of the country shall again be triumphant: would they not consider this conduct revolutionary? And yet it would only be pursuing the very course which they have pointed out to us, in refusing to vote at the election of Printer, and declaring that they would remove Blair and Rives, and deprive them of their contract, at the very first moment they should attain the majority. Will not their conduct settle this principle, if any precedent could sanction such a measure, that, believing a Bank of the United States to be unconstitutional, we shall be perfectly justified in refusing to vote on the question, and in giving notice to the world of our fixed determination to repeal the charter the very moment we have the power? The one act would be no greater violation of pledged faith and of vested rights than the other. And if we should pursue this course, no Bank of the

United States could be established. No capitalist, foreign or domestic, could be induced to advance his money for stock in this Bank, knowing that the charter would be repealed as soon as a change should be effected in the administration of the Government.

The Senator from Missouri [Mr. Benton] had, some years ago, proposed to repeal the joint resolution of 1819. This was the only constitutional mode of getting clear of it. He was informed that at that time the Senator from South Carolina [Mr. Preston] had earnestly opposed this repeal. He thus gave conclusive evidence that he did not then consider it a violation of the Constitution. What had since changed his opinion, he (Mr. B.) could only conjecture. But no repeal of it could now divest the existing rights of Blair and Rives. Neither the power of the Senate, nor of the whole Government, nor any human power which existed in this land, could violate this contract without the consent of the parties to be injured by such a violation. Just as certain as they had a futurity before them, the day would arrive, if Blair and Rives should be deprived of the benefit of their contract, when they would be fully indemnified for every loss which they might sustain. That day would speedily come, if under the Constitution it were now in their power to bring a suit against the Senate of the United States.

He had ever held, and trusted he should ever hold, that contracts were sacred and inviolable; and he hoped that his party feelings might never carry him so far as to trample on the rights of any individual. He was, therefore, opposed to doing execution on Blair and Rives.

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Mr. Buchanan would say a few words in reply to the Senator from Delaware, [Mr. Bayard.] That Senator had still contended that the Printer was an officer of the Senate. He should not again argue that question, because he believed he had shown conclusively that the Printer was not such an officer. The Senator had compared our Printer with the collector of the customs at New York, or the Secretary of the Senate here, both of whom might be removed at pleasure, and had contended that the cases were parallel. He would not now stop to point out the vast difference between them, but would confine himself to asking the Senator a single question. Had not the Senate, if such were their pleasure, a right to make a contract with a

mechanic, be he an officer or not an officer, and bind themselves to perform it on their part during the period of two years? And if they had a right to enter into such a contract, have they any constitutional power to nullify it at the end of two weeks, by dismissing the officer, against his will, with whom they had thus contracted?

Mr. Bayard said: Unquestionably, the Senate might enter into a contract, but all the terms of the contract must be considered. Part of the terms of this contract was, that it was defeasible in its own nature. But if the office be held at will, the ingredient was incorporated into the contract itself, and therefore it was defeasible at any time.

Mr. Buchanan continued. This was precisely as he had understood the Senator. This Senate, then, had the right to enter into a contract with an individual to perform its printing, which, by express terms, must continue two years; and yet, in the face of this positive stipulation, it might annul the contract the very next day; because, forsooth, *the office was defeasible!* That was the position to which the Senator was driven; and if any Senator, however ingenious he might be, could define the nature of such a contract, he would award to him the meed for his skill and ingenuity. The terms of the contract, under the joint resolution, were as precisely fixed as though each member of the Senate had collectively entered into the following stipulation with these Printers: "You shall do our printing for two years; and if you should not execute the work according to your contract, then our Secretary shall be vested with the power to have such portions of it done by others as he may think proper, charging you with the difference between your contract price, and what he may be obliged to pay." The Senate had reserved no power whatever to remove the Printer before the termination of the two years; but merely the remedy on his bond, and the right of punishing him for violating his contract, by employing another to do the work at his expense. The English language could not make a more binding contract upon both parties, and for the purpose of the present argument, he cared not whether the Printer was considered an officer or not.

Names were nothing; it was the substance which we ought to consider; and even if the Printer were an officer, which he clearly was not, he was one of a very different character from your Secretary, your Sergeant-at-Arms, or your Doorkeeper, who were removable at pleasure. These officers required no capital,

engaged in no expensive business, and employed no workmen to enable them to perform their duties. They gave us their personal services merely in recording our proceedings, serving our process, preserving order in the chamber, and performing other similar offices, for which they received a certain fixed salary. Not so the Printer. He was selected under a resolution of Congress directing the manner in which the printing should be executed, fixing the prices which he was to receive for each item, and assuring to him the contract for two years. Let him put a case to the Senator, which might readily occur under this resolution. A Printer is chosen by the Senate, who resides in Philadelphia, New York, or Boston. He invests fifty or a hundred thousand dollars in purchasing presses and paper, employing workmen, and setting up an establishment in this city, for the purpose of enabling him to perform his contract. The new Congress meets; and at the moment of their meeting, he is fully prepared to execute our work; but before he can enter upon it, the Senate dismiss him from employment, and inform him that he was but an officer, whose appointment, to use the language of the Senator from Delaware, was defeasible at pleasure, and that he must submit to be ruined without redress. Was there any Senator who could say that this would not be a plain, palpable violation of public faith, for which the Printer could obtain ample redress under his contract, if the Senate could be sued in a court of justice? The concluding clause of the joint resolution declared, that "each House shall proceed to ballot for a Printer." To do what? To perform the duties of an office? No, sir: such a word did not occur throughout the resolution; but "to execute its work." And for what period? "During the next Congress." What security did the Senate require that the Printer thus appointed should faithfully perform his contract? "A bond, with sureties, to the satisfaction of the Secretary of the Senate, for the prompt, accurate and neat execution of the work," not for the performance of any official duty. And yet the Printer was an officer who could be dismissed at pleasure! No, sir, no. Blair and Rives were employed "to execute the work" of the Senate during the Twenty-seventh Congress, not to perform any official duties whatever. The joint resolution provided that they should be chosen before the termination of the 26th Congress; for, if this were not the case, no Printers could be selected after the meeting of the 27th Congress for either House, except Gales and Seaton or Blair and Rives. In order to prevent a monop-

oly in favor of Printers who owned large establishments in this city, it was absolutely necessary to afford others the time necessary to procure similar establishments before their duties should commence. But, under the doctrine contended for, a Printer elected by the Senate from Boston, New York, or Richmond, who had prepared himself fully "to execute its work" might be dismissed the first day of the session, and might be informed, in the language of the Senator from Delaware: "You should not complain, for you accepted this contract under the implied condition that we could turn you out at pleasure." No, sir; in order to promote a competition among printers, this joint resolution provided for the creation of an absolute contract, to endure for two years, which the Senate could not violate, and on which the Printer might confidently rely. It did not refer to an office at all, but placed the subject on its proper foundation, that of the execution work—of mechanical labor—not of official duties. It required bond and security to be given; and also, that, in case the Printer did not perform the work in proper time, the Secretary might have it performed by others, at his expense. By-the-by, would a Printer, thus casually employed by the Secretary, also become an officer of the Senate?

Casting away all the ingenuity used on the other side of the question, was not this the simple statement of the case? I enter into a contract to employ a carpenter, during the period of two years, to build a house or houses for me, for which I agree to pay him a fixed price, according to their measurement; and I take a bond and security from him for the faithful execution of his contract. I stipulate with him, that, in case he fails to perform his duty, I shall be at liberty to employ another mechanic to take his place, and that he shall be answerable for all damages. The moment he is prepared to enter upon his work, I turn about and say, I reserved, in my own mind, the power of annulling the contract, and I now annul it. You may go about your business. I am above the law, and you cannot recover any damages from me. You shall lose the expense and the trouble which you have incurred in preparing to perform your contract. What care I for that?

The Senate neither had the moral nor the constitutional power to violate this contract; and, if they should do it, Blair and Rives, some day or other, before this or some other tribunal, would obtain an ample indemnity for all losses sustained.

Mr. Clay, of Kentucky. . . . But the gentleman from Pennsylvania said this was a contract—a binding, obligatory contract, to the execution of which their honor, their good faith, their fair dealing, were all pledged. And how did he make it out a contract?

Mr. Buchanan. I will answer the Senator, if he will permit me.

Mr. Clay. At the proper time.

Mr. Buchanan. I thought you desired an answer.

Mr. Clay. I do at the proper time: at my time, not at your time.

Mr. Buchanan. I await your time.

Mr. Clay. . . . Then, as to this contract under this resolution: was it a contract because it specified the terms, the fees, and the compensation? Why was not that the case with district attorneys and marshals? Were not they compensated by fees which were specified?

Mr. Buchanan. The time was not mentioned.

REMARKS, MARCH 8, 1841,

ON THE ELECTION OF A SERGEANT-AT-ARMS.[1]

Mr. Merrick moved to take up the resolution submitted by him on Saturday, to proceed to the election of a Sergeant-at-Arms to the Senate.

Mr. Buchanan said he should vote against the resolution. After the death of Judge Haight, a strong appeal was made to this body on behalf of his widow, and arrangements were made by which she was to receive his salary for the entire term for which he was elected; and the Assistant Doorkeeper at that time agreed to discharge the duties of Sergeant-at-Arms. This course was adopted from motives of the purest philanthropy and justice: that the Government might not pay two salaries, and yet that the widow might receive that of which she stood so much in need. And now at the close of this session, when there was no earthly use for a Sergeant-at-Arms, why should they impose on the Treasury a double salary? When the Democratic Senators had

[1] Cong. Globe, 26 Cong. 2 Sess. IX. Appendix, 317. The resolution to elect was adopted by a vote of 26 ayes to 19 nays, Mr. Buchanan voting in the negative.

the power, they refrained from using it, and determined not to elect a Sergeant-at-Arms: they agreed to do without this officer; and now, when no reason for the election exists—when they could do without him until the meeting of Congress, he could not vote for an election, and he called for the ayes and noes on adopting the resolution.

TO MR. SHUNK.[1]

LANCASTER 6 May 1841.

MY DEAR SIR

The news of the passage of the Revenue bill which I received yesterday has caused my heart to sink within me.—My public life has been stormy and tempestuous; but no political event has ever made me despond before.—The last night was the first which I have ever spent in sleepless anxiety reflecting upon public affairs.—It would seem that whether the Democratic party are successful or defeated in the popular elections, the result in regard to the Banks is always the same.—I fear that honest men feeling this truth will hereafter be discouraged from continuing the struggle, upon the principle that it is better to be defeated by an open enemy than betrayed by a treacherous friend.—I consider the present Revenue Bill to be even worse than the Bill to recharter the Bank of the United States.—That Bill continued the existence of an Institution which many honest men erroneously believed might prove useful to the State; whilst this Bill digs up and reanimates the corpse of the suicide after it had been consigned by its own hands to a grave of pollution, infamy and guilt.

By this Bill, Pennsylvania has yielded up every principle of Bank reform, small notes & all, for which her honest and true hearted Democracy have been so long contending.—We shall be laughed to scorn by the Democracy of the other States.—We have not only rallied under the banner of an irredeemable *Bank paper currency;* but we have created for the use of the Banks and

[1] Buchanan Papers, Historical Society of Pennsylvania. Francis Rawn Shunk, a native of Pennsylvania, enlisted as a soldier in the war of 1812, and was afterwards successively clerk of the House of Representatives, secretary to the board of canal commissioners, and secretary of state of Pennsylvania. From 1845 to 1848 he was governor of the State. He died in 1848.

to enable them to withdraw their own paper from circulation, a new species of still more depreciated irredeemable paper currency as a substitute for it.—The value of this new currency will fluctuate with the ever fluctuating value of State five per cent. loan in the market on which alone it rests, & in which alone it is redeemable.—What a standard of value! This will necessarily become the chief currency of the state, not merely in notes of one & two dollars, but in fives, tens, twenties and fifties; upon the never failing principle that the worst currency, if it be not too bad to circulate at all, will always circulate the most plentifully.—For the very same reason that a man will withhold a half eagle and pay out a five dollar Bank note, he will withhold his five dollar Bank note and pay out the scrip authorized by this Bill, which would now be 19 per cent. below the par of Bank paper.

And what is the miserable pretext for granting the Banks,—and especially the Philadelphia Banks, this important boon of enabling them to withdraw their own circulation and substitute that created by this Bill, and for conferring upon them the privilege of suspending for five years or forever? It is, says the Bill, to enable them "to relieve the community" by loaning to the State $3,100,000 of this currency which they graciously condescend to issue as the mere agents of the State,—on the responsibility of State Loan and not in any degree upon their own responsibility.—The same object might have been as well and better accomplished directly by the State and the one per cent. on the amount issued could thus have been saved.—But instead of issuing State scrip, in the form of Bank notes, payable in five years without interest and receivable in debts due to the Commonwealth, with permission to the holder to convert these notes at pleasure into five per cent. funded loan; the State gives authority to the Banks to do the very same thing; and then pretends that these Banks by doing so relieve the people and purchase for a fair equivalent the privilege of perpetual suspension.—What miserable humbuggery!

But my feelings are carrying me away.—I sat down for the purpose of making a single suggestion to you and I have written nearly two pages without once adverting to it. I observe by the Harrisburg Reporter that there is a Bill now before the Governor, which, if I understand the question aright from the rather confused statement of it in that paper, will operate as a repeal of the Bill which has already become a law so far as it

confers upon the Bank of the United States the privilege of the 17th Section.—If this be so and the Governor has not already approved that bill, he ought to do it without a moment's delay. The Stockholders of the Bank of the United States will at once comply with the proviso of the seventeenth section; and if they should do so before it shall be repealed, then according to the decision of Judge King, it will become a Contract and the Governor's subsequent approval of the Repealing Bill would produce no effect.—

I cannot correctly understand the question from the Harrisburg Reporter; but if the Governor has the power to exclude the Bank of the United States from the benefit of the Bill which has passed by the Constitutional majority, in opposition to his veto —and he should inadvertently neglect to exert this power in time, then he and you and I & all of us will go down together.—

I should have addressed him directly and made this suggestion; but I know how many cares and anxieties must be pressing upon him at present; and I thought that by writing to you,—the subject would be more speedily and certainly brought to his attention.—

Please to remember me kindly to Mrs. Shunk and the young ladies and believe me to be Ever sincerely

Your friend

FRANCIS R. SHUNK ESQ. JAMES BUCHANAN.

P. S. Please to send me a copy of the bill now before the Governor. After it had passed both houses what could have been the reason why twelve Democrats deserted us and voted against the veto? Was it to save the Bank of the United States? I can perceive no other reason; still I am unwilling to believe that this was the cause.—Please to give me an explanation of this mystery.

REMARKS, JUNE 1, 1841,

ON PRINTING THE PRESIDENT'S MESSAGE.[1]

A motion having been made to print 10,000 copies of the President's annual message, the mover afterwards modified the proposal by reducing the number to 5,000 copies. Mr. Clay supported the modification on grounds of economy.

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[1] Cong. Globe, 27 Cong. 1 Sess. X. 8.

Mr. Buchanan said he was glad to find the Senator from Kentucky so much in favor of economizing. He should ever find him (Mr. B.) ready to concur with him in all reasonable efforts to curb expenditures. Allusion had been made to the extravagant expenditure for stationery supplied to Congress. He had himself used, he believed, more of that stationery than any other member, with the exception, perhaps, of the Senator from New York. Much of it had been used in answers to applicants for office. That necessity no longer existed; that day had gone by, and he and the Senator from New York would economize in that particular. But, although he admitted he had used a greater quantity of stationery than any other Senator, with the exception before made, yet he believed the value of what he had used at any one session never exceeded $20. He thought some arrangement might be made by which each Senator and Member of Congress would be charged with the stationery supplied to him. He did not, however, intend to urge this at present, but merely threw out the suggestion.

The resolution, as modified, was then adopted.

REMARKS, JUNE 7, 1841,

ON A RESOLUTION CALLING UPON THE SECRETARY OF THE TREASURY TO PRESENT A PLAN FOR A NATIONAL BANK OR FISCAL AGENT.[1]

Mr. Buchanan expressed his anxiety to obtain a view of this fiscal agent, of which so much had been said, and which was to reconcile conflicting opinions. The political millennium, he supposed, was at hand, and the lion was to lie down with the lamb. This great regulator, let it be called what it might, if it is to have the power to discount notes, issue paper, and buy exchange, whether located in the District of Columbia or in Wall street, New York, will still be nothing but another United States Bank in fact. He and those who have heretofore objected to that institution will object to this. He was inclined to think that if the resolution was adopted, it would leave the matter in doubt whether a Bank or a fiscal agent was called for. He should therefore be in favor of having that point defined.

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[1] Cong. Globe, 27 Cong. 1 Sess. X. 23.

REMARKS, JUNE 9, 1841,

ON A PETITION FOR THE ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA.[1]

Mr. Buchanan presented a memorial from the Society of Friends in Pennsylvania, asking the improvement of the condition of people of color, and asking the abolition of slavery in the District of Columbia and the Territories, and the prevention of the domestic trade.

Mr. Preston objected to the reception of these memorials.

The Chair. The memorials are laid upon the table.

Mr. King. The question is upon their reception. The Chair, when he is aware that petitions objectionable in their character are presented, is bound to put the question upon their reception, and the usual mode has been to move to lay the motion to receive upon the table, and thus get rid of the matter.

The Chair said he was not aware that the Senate had passed any such rule, and without it he did not feel himself called upon to put the question in that form.

Mr. Buchanan coincided in the view taken by Mr. King as to the practice of the Senate, and observed that nothing but benefit had ensued from its observance. All agitation had entirely ceased so far as the Senate was concerned, and he hoped the practice would be perpetual. The question of reception was understood as made, that question was then laid on the table, and there was an end of the matter. Though he had held it his duty to present this paper, he hoped the same course would be observed with regard to this as to others.

REMARKS, JUNE 10, 1841,

ON THE McLEOD CASE.[2]

Mr. Rives having renewed his motion that so much of the President's message as related to foreign affairs be referred to the Committee on Foreign Affairs,

Mr. Buchanan thereupon rose and addressed the Senate, observing that when he had first read the correspondence between the British Minister, Mr. Fox, and the American Secretary of

[1] Cong. Globe, 27 Cong. 1 Sess. X. 35.

[2] Cong. Globe, 27 Cong. 1 Sess. X. Appendix, 14–18.

State, he had at once determined to make, upon the first fit opportunity, some observations upon that correspondence in the face of the Senate and of the country. He regretted that, in finding a fit opportunity, there had, contrary to his own inclinations, been so much delay; but having at length found it, he would accomplish his original purpose, and would do it with as much brevity as possible; premising, however, that he should not have thought of such a proceeding upon this mere motion of reference, had not the example been set and a precedent established at the last session of Congress by the present Secretary of State.

He must be permitted to make one remark by way of preface: and that was, that if he knew himself, he was not actuated, in this matter, by any thing like party political feeling. He trusted his construction of some portions of the correspondence in question might prove incorrect; for though he acknowledged himself to be a party man and strongly influenced by party feeling, it had been his endeavor never to carry that feeling with him into the Committee on Foreign Relations, (of which he had for many years been a member,) and he trusted that he had given sufficient evidence of this by his course on that committee. Yet, as he was firmly convinced that a proper regard for the American character, both at home and abroad, required that some commentary should be made on these papers, he had, upon reading them, determined, at once, that that commentary should be made by him without fear, but with respectful regard to the feelings of all parties.

He had been asked, what objection could be made to the letter of the 24th of April last, lately published, from Mr. Webster, our Secretary of State, to Mr. Fox? There was little, indeed: —much, very much, that it contained, had his cordial approbation; but, unfortunately, that letter had little or nothing to do with the substance of the matter. It did not make its appearance until nearly six weeks after the important business between the two Governments had been transacted. It was the letter of the British Minister of the 12th of March, and the instructions of the Secretary of State to the Attorney General of the United States, of the 15th of the same month, which contained the true merits of the case. It was that letter of instructions, a copy of which had doubtless been communicated to the British Minister, and had been openly referred to in the British Parliament; it was these instructions, especially, which lay at the root of the question. On these two papers of the 12th and 15th

March, public opinion had been formed and must be formed as well in England as here; and the Secretary's last letter which came limping along six weeks after, however just and however eloquent it might be, could exert but little or no influence either in Europe or in this country.

To understand the merits of the case a brief recapitulation of facts was necessary. A rebellion, said Mr. B., or, if you please, an attempt at revolution, existed in Canada; during the course of which the insurgents took possession of Navy island, in the Niagara river. A British militia force of two thousand men was embodied at Chippewa, on the Canada side of the river. The American steamboat Caroline, after having carried provisions to the insurgents on Navy island, (for I believe that was the fact,) together with probably a single cannon, lay at anchor, after her trip, fastened to the wharf at Schlosser, a small village notoriously within the jurisdiction of the United States, under the sacred ægis of our protection. And that country must be recreant to itself and to its citizens, which would not, until the very last, maintain and vindicate its own exclusive sovereignty over its own soil against all foreign aggression.

There lay this vessel in American waters, under the guardianship of our sovereignty and of the American flag; but these afforded her no protection. What happened on the night of the 29th of December, 1837? Colonel Allan McNab, a name famous in story, was in command of the body of militia at Chippewa. Under his auspices, a Captain Drew, of the British navy, who, I believe, has since been pensioned for his gallant exploit, undertook to raise a body of volunteers, and, by way of characterizing the nature of the service they were to perform, declared that he wanted fifty or sixty desperate fellows, who would be ready to follow him to the devil. Under the authority of this Colonel McNab, now Sir Allan McNab, (for I understand he has since been knighted by Queen Victoria,) this body of men, with Captain Drew at their head, passed down the Niagara river at the dead hour of midnight, without previous notice, and while the people on board of the Caroline lay reposing under the protection of American laws, and made an attack on unarmed men, who were private citizens, not connected in any way with the resistance to British authority, and murdered at least one of their number within the American territory. These barbarians, regardless of the lives of those who may have remained on board, unmoored the boat, towed her out into the middle of the river, where a

swift and irresistible current soon hurried her down the falls of Niagara, and to this hour it is not known how many American citizens perished on that fatal night. This is no fancy picture.

Now, as to the principle of the law of nations which applies to such a case, that pure patriot and eminent jurist, John Marshall, has expressed it with great force and clearness. He says that

> The jurisdiction of a nation, within its own territory, is exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of that restriction, and an investment of that sovereignty to the same extent in that power which could impose such restriction.—7 Cranch, 116.

And again:

> Every nation has exclusive jurisdiction over the waters adjacent to its shores, to the distance of a cannon shot, or marine league.—1 Gallis, C. C. R. 62.

According to the settled law of nations, if the Caroline had been a vessel of war, on the high seas, belonging to the insurgents, and after an engagement with a British vessel had been pursued within a marine league of the American shore, our national sovereignty, as a neutral power, would immediately have covered her, and a hostile gun could not have been fired against her without affording us grounds for just complaint. If, for example, the British and French nations had been at open war, and a French vessel, in flying before British pursuit, should have been driven within a marine league of the American coast, all further acts of hostility towards her must have instantly ceased, or we, as the neutral power, would have been wounded in the most sensitive point, namely, that of our sovereignty.

I shall not here argue to prove that in this case there has been a gross violation of our national sovereignty, because on that point no gentleman, I am sure, does or can entertain a doubt. That being clear, the American Government at once remonstrated in strong and forcible, and even eloquent terms, through our Minister abroad. The letter of Mr. Stevenson, on that occasion, does him great honor, indeed. Repeated attempts were made to induce the British Government to answer this remonstrance, but all in vain. It is true that it has been stated in the British House of Commons by one of the British ministers, that the American Government had finally given up the question, and did not intend to insist upon an answer. The pretence for

making this statement has most probably arisen from a custom too common among us of publishing diplomatic correspondence, whilst the negotiation to which it relates is still pending. Mr. Stevenson, in his letter to Mr. Forsyth of the 2d July, 1839, employs this language:

> I regret to say that no answer has yet been given to my note in the case of the Caroline. I have not deemed it proper, under the circumstances, to press the subject without further instructions from your Department. If it is the wish of the Government that I should do so, I pray to be informed of it, and the degree of urgency that I am to adopt.

To which Mr. Forsyth replies under date of September 11, 1839, as follows:

> With reference to the closing paragraph of your communication to the Department, dated 2d of July last, it is proper to inform you that no instructions are at present required for again bringing forward the question of the "Caroline." *I have had frequent conversations with Mr. Fox in regard to this subject, one of very recent date; and, from its tone, the President expects the British Government will answer your application in the case, without much further delay.*

The Senate will thus perceive that there is no foundation in this correspondence for the pretext that the American Government had abandoned the pursuit of this question, unless it may be by garbling the note of Mr. Forsyth and suppressing the sentence which I have just read.

Whether the administration of President Van Buren pursued its remonstrance with sufficient energy is not for me to say, although I believe they did, but that forms no part of the question now before the Senate. It seems that, from the conversation of Mr. Fox, Mr. Forsyth was induced to believe that a speedy answer would be given.

On the — of November, 1840, this unfortunate man, Alexander McLeod, came voluntarily within the jurisdiction of the United States. I am inclined to believe that the vain boasting of this man, as to his presence and participation in the attack on the Caroline, has occasioned all the difficulty which now exists. I rather think he was not present at the capture of that vessel, and this fact, if it had been wisely used, would have afforded the means of adjusting the difficulty to the satisfaction of both parties. But he came upon the American soil, and, in the company of American citizens, openly boasted that he had belonged to Drew's capturing squadron. In consequence of these assertions, he was arrested by the local authorities, and indicted for murder. This state of things gave rise to a correspondence between Mr.

Fox and Mr. Forsyth, from which I intend to read a brief extract. The correspondence resulted in this: that Mr. Forsyth expressed it as his opinion, and that of the President of the United States, that under the law of nations the avowal by the British Government of the capture of the Caroline, should such an avowal be made, would not free McLeod from prosecution in the criminal courts of the State of New York. Its effect was merely cumulative. It did not take away the offence of McLeod, but added thereto, and made it a national as well as an individual offence. The legal prosecution of McLeod, and the application to the British Government for satisfaction, were independent of each other, and might be separately and simultaneously pursued. But whether this were the true principle of national law or not, Mr. Forsyth very properly said that the question must be decided by the judiciary of New York, and that, if the position of Mr. Fox were well founded, McLeod would have the full protection of that doctrine before the court. He could plead that his act had been recognised by the British Government, and if the plea were allowed, he would be set at liberty. That was the position of the business at the close of Mr. Van Buren's administration; and a happier, safer, and more secure position of the question for American rights and even for the honor of England, also, could not have been desired. When the trial came on, McLeod would have two grounds of defence: first, that he had not been present at the capture of the vessel; and, next, that this capture had been recognised by the British Government as a public act done under its authority. If, in this state of things, there had been a little prudent delay, the question would probably soon have settled itself to the satisfaction of both parties. But inquiries had been addressed, in Parliament, to the British ministers on this subject, and a high excitement had been produced throughout the British nation. This can always be done in that country on every controversy with America, because our side of the question never appears in their public journals. I have been for years in the habit of reading some of the English journals, and, so far as I have observed, our side of the question, even in relation to the northeastern boundary, has never to this day been presented to the British public. No Englishman can obtain from any of these journals which I have seen, any distinct idea whatever as to the ground insisted upon by us in that controversy.

An excitement had been raised on the McLeod question, and loud defiances had been uttered on the floor of the House

of Commons. Threats had been made, in case the American Government should dare to retain McLeod in custody. An attempt had been made on both sides of the water to produce the belief that war was impending; and so far with success, that the American fleet in the Mediterranean, or at least a portion of it, had actually returned home, while all our vessels in that sea had passed the straits and gone into the Atlantic. Some people here even, other than the ladies, became afraid that the British fleets would be upon our coast and lay our cities in ashes. A marvellous panic prevailed for a time among those who had weak nerves, and then, to crown all, came the letter of Mr. Fox to Mr. Webster. The British nation has, I freely admit, much to recommend it, but we all know that their diplomatic policy, unlike that of other European nations, has been of a character bold, arrogant, and overbearing. John Bull has ever preferred to accomplish that by main force which other nations would have attempted by diplomacy. I come now to the letter of Mr. Fox, and such a letter! This letter is the more imposing from the fact that it was not Mr. Fox's own composition, but is an official communication from the British Government. This fact appears from its first sentence, which is as follows:

> The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, is instructed by his Government *to make the following official communication to the Government of the United States.*

It is then an official communication from the British Government themselves. It is not my desire on this occasion to excite either here or elsewhere any feelings which should not be excited. I merely state facts. To what is this letter an answer? If to any thing, it is to the letter of Mr. Forsyth addressed to Mr. Fox on the 26th December, 1840. I will not trouble the Senate to read that paper; they may find it in document 33, page 4. And what is the character of the letter of Mr. Fox? It commences with a peremptory and conclusive settlement of the whole matter so far as the British Government is concerned. It is not sufficient for that Government to say that they take the responsibility of the act of McLeod upon themselves, but they even justify in the strongest terms the capture of the Caroline itself. Yet here is Mr. Webster, on the 24th of April, arguing a question which the British ministry had settled six weeks before. They do not say, surrender McLeod, and the question of the Caroline shall be left open. That would not be according to the manner of John Bull when he puts himself fairly in motion. He does not

stop to argue, but at once cuts the knot without the trouble of giving any reason. Mr. Stevenson had remonstrated in the most urgent manner, and had submitted to the British Government at London a mass of testimony, but no notice whatever was taken of his communication, and no reasons given for their determination. Mr. Fox, or rather that Government, in half a sentence settles the question.

> The transaction in question, (says the letter,) may have been, *as her Majesty's Government are of opinion that it was, a justifiable employment of force for the purpose of defending the British territory, &c.*

Our remonstrance, when this haughty reply was written, had been pending for three years.

Mr. Forsyth, in his letter of 26th December, 1840, had argumentatively stated the whole case, setting forth that the avowal of McLeod's act, should it be assumed by the British Government, so far from doing away with our ground of complaint, went only to increase it. It was cumulative, not exculpatory. Whilst it would not relieve McLeod from personal responsibility, it would seriously implicate the British Government in his guilt. And how is that argument answered? In this haughty, imperious sentence:

> Her Majesty's Government cannot believe that the Government of the United States can really intend to set an example so fraught with evil to the community of nations, and the direct tendency of which must be to bring into the practice of modern war atrocities which civilization and Christianity have long since banished.

Here is no argument attempted, no authority cited, but a simple declaration put forth in the strongest terms as to the "atrocity" of the principle for which the American Government had been seriously contending. But the crowning point of this insulting letter is yet to come; and I undertake to say that it contains a direct threat from the British Government. I am not extensively acquainted with the language of diplomacy, but I certainly have not seen any thing like this threat in any official communication between civilized and friendly nations for the last fifty years. I hope I may be mistaken in my view of the language, but here it is:

> But be that as it may, her Majesty's Government formally demand, upon the grounds already stated, the immediate release of Mr. McLeod; and her Majesty's Government entreat the President of the United States to take into his most deliberate consideration *the serious nature of the consequences which must ensue from a rejection of this demand.*

What consequences? *What* consequences? After the denunciations we had heard in the British Parliament, and all that had occurred in the course of the previous correspondence, could any thing have been intended but "the serious nature of the consequences which must ensue" *from war with England?* And here let me put a case. I am so unfortunate as to have a difference with a friend of mine. I will suppose it to be my friend from South Carolina, [Mr. Preston.] I know, if you please, even that I am in the wrong. My friend comes to me and demands an explanation, adding, at the same time, these words: If you do not grant the reparation demanded, I entreat you to consider the serious consequences which must ensue from your refusal. Certain I am there is not a single member of the Senate, I might say not an intelligent man in the civilized world, who would not consider such language as a menace, which must be withdrawn or explained before any reparation could be made. It was the moment after I read this sentence that I determined to bring the subject before the Senate. A thought then struck me which perhaps I should do better now to repress; but it was this. I imagined I saw that man whom Mr. Jefferson truly denominated the old Roman, as President, sitting in his apartment and reading this letter for the first time. When he came to this sentence, what would be his feelings? What indignant emotions would it arouse in his breast? Of him it may be justly said:

> "A kind, true heart; a spirit high,
> That could not fear, and would not bow,
> Is written in his manly eye,
> And on his manly brow."

Would he not have resolved never to make any explanation under such a threat? Would he not have required it to be withdrawn or explained before any answer whatever to Mr. Fox's demand? In this possibly he might have gone too far. Our Secretary, however, has passed over this threat without adverting to it in any manner whatever.

And now we come to the case immediately before the Senate. Although I think the Secretary of State decidedly wrong in his view of the law of nations, that to me is comparatively a very small matter. I have not, in this thing, any personal or private feeling to gratify. Towards the Secretary of State I cherish no unkindly feelings, and I sincerely hope that he may discharge the duties of high and responsible station in such a manner as to redound more and more to his own honor. What I complain of

is this omission, and an omission, I consider, of great consequence. He has not, in his reply, noticed that threat at all, although it was conveyed in such terms as would have entirely justified him in saying, "The American Government has no answer to give until this language has been explained." He should at least have said, "This is a menace, such as is not usual in the diplomatic correspondence between civilized and independent nations, and I shall be glad if you will explain or reconsider the language employed." For myself, said Mr. B., I have no desire for war with England: so far am I from desiring it, that I would consent to sacrifice all but our honor in order to avoid it. But I think Mr. Webster to blame in not noticing language which I consider as containing a very distinct and intelligible threat. But let that pass.

Even if the Secretary were right in the view he takes of the law of nations, still I think that common prudence would have dictated to him not to express his opinion so strongly. It was then a judicial question pending, and eventually to be decided, by the highest court in the State of New York; a tribunal which, on all hands, and by Mr. Webster himself, is admitted to be eminently entitled to confidence. Suppose it should happen (as it will happen, if my humble judgment of the law should prove correct) that the Supreme Court of the State of New York and the Secretary of State of the United States should differ in opinion as to the legal question. Suppose an appeal should then be taken (if such an appeal may be taken) to the Supreme Court of the United States, and it should there be decided, as I feel great confidence that it should be, against the opinion of the Secretary of State, what would be the condition of this Government?

The judicial authority will be on one side of the question, and the Executive Government on the other. Whilst the Judiciary decide that McLeod is responsible in the criminal courts of New York, the Secretary decides that he is not. By prejudging this pending judicial question, the Secretary has placed himself in an awkward dilemma, should the Supreme Court of New York determine that the recognition and justification by the British Government of the capture of the Caroline does not release McLeod from personal responsibility. In common prudence, therefore, Mr. Webster ought to have expressed no decided opinion on this delicate question, but left it to the Judiciary, as Mr. Van Buren's administration had done.

But the Secretary of State thought otherwise. The im-

perious tone of Mr. Fox's letter does not seem to have produced any effect on his mind. Three short days after its date, on the 15th March, 1841, he issues his instructions to the Attorney General. These instructions are the real, substantial answer to Mr. Fox's letter, and have proved entirely satisfactory to the British Government, as they could not have failed to do. The letter written by Mr. Webster, on the 24th of the succeeding April, will never disturb that Government. Long before it was written, the Secretary had granted them every thing which they could have desired.

He at once, by these instructions, abandoned the position so ably maintained by Mr. Van Buren's administration, that McLeod would still be responsible, individually, notwithstanding the British Government might recognize the destruction of the Caroline. In condemning this position, he uses terms almost as strong as Mr. Fox had done in denouncing it. He says, "That an individual forming part of a public force, and acting under the authority of his Government, is not to be held answerable as a private trespasser or malefactor, is a principle of public law sanctioned by the usages of all civilized nations, and which the Government of the United States has no inclination to dispute."

As actions speak louder than words, what did Mr. Webster do with this threatening letter staring him in the face? With fiery expedition he has his Attorney General on the way to Lockport; and I cannot but think, from my personal knowledge of that officer, that the mission on which he was employed could not have been very agreeable to him. He informs the British Government at once, for we ought never to forget that the letter to Mr. Crittenden is in substance the Secretary's answer to Mr. Fox, that if it were in the President's power to enter a *nolle prosequi* against McLeod, it should be done without a moment's delay. "If this indictment," says he, "were pending in one of the Courts of the United States, I am directed to say that the President, upon the receipt of Mr. Fox's last communication, would have immediately directed a *nolle prosequi* to be entered." But as this was not in Mr. Webster's power, the Governor of New York was in the next place to be assailed, in order to accomplish the same purpose. Mr. Crittenden was informed that he would "be furnished with a copy of this instruction, for the use of the Executive of New York and the Attorney General of that State." "Whether," says the Secretary, in this case, "the Governor of New York have that power, or, if he have, whether he would

feel it his duty to exercise it, are points upon which we are not informed."

But the Governor of New York proved to be a very restive subject. He felt no inclination whatever to enter a *nolle prosequi* against McLeod. I have seen, somewhere, a correspondence between that officer and the President, but I cannot now find it. The tone of this correspondence on the part of the Governor evinced a spirit of determined resistance to the suggestion of the Secretary. The Governor complained that the District Attorney of the United States was acting as the counsel of McLeod. This, however, according to the explanation of the President, happened by mere accident; the Attorney having been retained as counsel some time before his appointment. The correspondence, at all events, is sufficient to show that Governor Seward did not participate in the views and feelings of the Secretary of State towards McLeod, and we know that he did not approve of entering a *nolle prosequi* in his case.

But the Attorney General of the United States was armed with instructions from the Secretary of State, to meet every contingency. If McLeod could not be discharged by a *nolle prosequi;* if he must be tried, then Mr. Crittenden was to consult with McLeod's counsel, and furnish them the evidence material to his defence, and he was even "to see that he have skilful and eminent counsel, if such be not already retained." It is no wonder that it appeared very strange to Governor Seward to find the authorities of the United States thus actively and ardently engaged in defending McLeod, whilst the authorities of New York were enlisted with equal vigor in his prosecution.

The defence of this man, who had no claim to peculiar favor, except what arose from an earnest desire to please and satisfy the British Government, became the object of the Secretary's peculiar solicitude, and this, too, in the face of a plain, palpable menace from that Government.

The next thing we might hear would be a bill of costs and counsel fees against this Government for the defence of McLeod; it having been imposed as a duty on our Attorney General to see that "he had skilful and eminent counsel."

Now these are features in this transaction anything but creditable to our national character. I think that sufficient decision and firmness have not been displayed by the American Secretary of State. It will ever prove a miserable policy to attempt to conciliate the British Government by concession. It was the

maxim of General Jackson that, in our foreign relations, we should ask only what was right, and submit to nothing that was wrong; and, in my judgment, the observance of that maxim is the very best mode of preserving peace. When a nation submits to one aggression, another will soon follow. It is with nations as it is with individuals. Manly and prompt resistance will secure you from a repetition of insult. If you yield once, you will be expected to yield again, and then again, till at length there is no end to submission. I do not pretend that Mr. Webster has done wrong intentionally; all I mean to say is, that, in my judgment, he has not, in this instance, displayed a proper and becoming *American spirit*. If he had waited a little longer before he prepared his instructions to the Attorney General; if he had taken time for reflection before he despatched that officer crusading to New York, his conduct would probably have been different. According to the practice of diplomacy, a copy of these instructions was doubtless at once sent to Mr. Fox. It is certain that they were known to the British Government before the 6th of May, because on that day they were referred to by Lord John Russell on the floor of the House of Commons as a document in possession of the British Cabinet.

I shall now offer a few remarks on the question of public law involved in this case, and then close what I have to say. I sincerely believe the Administration of Mr. Van Buren was perfectly correct on this doctrine, as laid down by Mr. Forsyth. If I had found any authority to induce me to entertain a doubt on that point, I would refer to it most freely. I now undertake to say that the only circumstance which has produced confusion and doubt in the minds of well-informed men on this subject is, that they do not make the proper distinction between a state of national war and national peace. If a nation be at war, the command of the sovereign power to invade the territory of its enemy, and do battle there against any hostile force, always justifies the troops thus engaged.

When any of the invaders are seized, they are considered as prisoners of war, and as having done nothing but what the laws of war justified them in doing. In such a case they can never be held to answer, criminally, in the courts of the invaded country. That is clear. The invasion of an enemy's territory is one of the rights of war, and, in all its necessary consequences, is justified by the laws of war. But there are offences, committed even in open war, which the express command of the offender's

sovereign will not shield from exemplary punishment. I will give gentlemen an example. A spy will be hung, if caught, even though he acted under the express command of his sovereign. We might cite the case of the unfortunate Major André. He was arrested on his return from an interview with Arnold, and, his life being in danger, the British commander (Sir Henry Clinton, I believe) made an effort to save him, by taking upon himself the responsibility of the act. But although he had crossed our lines whilst the two nations were in a state of open and flagrant war, in obedience to instructions from his commander-in-chief, yet Washington, notwithstanding, rightfully hung him as a spy.

Now, let me tell whoever shall answer me, (if, indeed, any gentleman will condescend to notice what I have said—for it seems we on this side of the House are to do all the speaking, and they all the voting,) that whilst all the modern authorities concur in declaring that the law of nations protects individuals when obeying the orders of their sovereign, during a state of open and flagrant war, whether it has been solemnly declared or not, and whether it be general or partial, yet these authorities proceed no further. But, to decide correctly on the application of this principle in the case before us, we must recollect that the two belligerents here were England on the one hand and her insurgent subjects on the other, and that the United States were a neutral power, in perfect peace with England. But what is the rule in regard to nations at peace with each other? This is the question. As between such nations, does the command of an inferior officer of the one, to individuals, to violate the sovereignty of the other, and commit murder and arson, if afterwards recognised by the supreme authority, prevent the nation whose laws have been outraged from punishing the offenders? Under such circumstances, what is the law of nations? The doctrine is laid down in Vattel, an author admitted to be of the highest authority on questions of international law; and the very question, *totidem verbis*, which arises in this case, is in his book stated and decided. He admits that the lawful commands of a legitimate Government, whether to its troops or other citizens, protects them from individual responsibility for hostile acts done in obedience to such commands, whilst in a state of open war. In such a case, a prisoner of war is never to be subjected to the criminal jurisdiction of the country within which he has been arrested. But what is the law of nations in regard to criminal offences committed by the citizens or subjects of one power, within the

sovereignty and jurisdiction of another, they being at peace with each other, even if these criminal acts should be recognised and justified by the offender's sovereign? This is the case of the capture and destruction of the Caroline. The subject is treated of by Vattel, under the head "of the concern a nation may have in the actions of her citizens," book ii, chap. 6, page 161. I shall read sections 73, 74, and 75:

However, as it is impossible, says the author, for the best regulated State, or for the most vigilant and absolute sovereign to model at his pleasure all the actions of his subjects, and to confine them on every occasion to the most exact obedience, it would be unjust to impute to the nation or the sovereign every fault committed by the citizens. We ought not, then, to say, in general, that we have received an injury from a nation, because we have received it from one of its members.

But if a nation or its chief approves and ratifies the act of the individual, it then becomes a public concern, and the injured party is then to consider the nation as the real author of the injury, of which the citizen was perhaps only the instrument.

If the offended State has in her power the individual who has done the injury, she may, without scruple, bring him to justice, and punish him. If he has escaped, and returned to his own country, she ought to apply to his sovereign to have justice done in the case.

Can any thing in the world be clearer? The author puts the case distinctly. The nation injured ought not to impute to the sovereign of a friendly nation the acts of its individual citizens; but if such friendly sovereign shall recognise the acts as his own, it then becomes a national concern. But does such a recognition wash away the guilt of the offender, and release him from the punishment due to his offence under the jurisdiction of the country whose laws he has violated? Let Vattel answer this question. He says: "*If the offended State has in her power the individual who has done the injury, she may, without scruple, bring him to justice and punish him.*" There is the direct, plain, and palpable authority. And here permit me to add that I think I can prove that, according to sound reason, the principle is correct, and that the question would now be so decided by our courts, even if the law of nations had been silent on the subject. This not only is, but ought to be, the principle of public law.

Mr. Webster, in his letter to Mr. Fox of the 24th of April, tells the British Minister that the line of frontier which separates the United States from her Britannic Majesty's North American provinces, "is long enough to divide the whole of Europe into halves."

This is true enough. Now, by admitting the doctrine of Vattel to be incorrect and unfounded, on what consequences are we forced? I beg Senators to consider this question. The line which separates us from the British possessions is a line long enough to divide Europe into halves. Heaven knows I have no desire to see a rebellion in Canada, or the Canadian provinces annexed to the United States; but no event in futurity is more certain than that those provinces are destined to be ultimately separated from the British empire. Let a civil war come, and let every McNab who shall then have any command in the British possessions along this long line be permitted to send a military expedition into the territory of the United States, whenever he shall believe or pretend that it will aid in defending the royal authority against those who are resisting it, and war between Great Britain and the United States becomes inevitable. A British subject marauding under the orders of his superior officer on this side of the line is seized in the very act. Well, what is to be done? I suppose we are to wait until we can ascertain whether his Government chooses to recognise his hostile or criminal act, before we can inflict upon him the punishment which he deserves for violating our laws. If it should recognise his act, the jail door is immediately to be thrown open; the offender, it may be murderer, takes his flight to Canada, and we then must settle the question with the British Government. Such is the doctrine advanced by the British Government and our own Secretary of State. This principle would, as I say, lead us inevitably into war with that power. What can be done in a state of war? In that case, the laws of war provide that persons invading our territory who are captured, shall be considered and treated as prisoners of war. But while the two countries continue at peace, a man taken in the flagrant act of invasion and violence cannot be made a prisoner of war. McLeod, however, is not to be treated on this principle, and punished under our laws if he be guilty, lest we should offend the majesty of England. The laws of New York are to be nullified, and the murderer is to run at large.

But if the principle laid down by Vattel be sound and true, all difficulty at once vanishes. If such an offender be caught in the perpetration of a criminal act, he is then punished for his crime. Let him be tried for it at least, and then, if there are any mitigating circumstances in his case, for the sake of good neigh-

borhood let him escape. There will then be no danger of war from this cause. Let me suppose a case. Suppose Colonel Allan McNab should take it into his head that there exists in the United States a conspiracy against the British Government, and should believe that he could unravel the whole plot by seizing on the United States mail in its passage from New York to Buffalo. He places himself at the head of a party, comes over the line, and seizes and robs the mail; but in the act he is overpowered and arrested, and he is indicted before a criminal court of the United States. Will it be maintained, if the British Government should say, we recognise the act of McNab in robbing your mail as we have already recognised that of his burning your steamboat and killing your citizens, that Mr. Webster would be justified in directing a *nolle prosequi* to be entered in his favor, and thus suffer him to go free?

I do not say that the British Government would act in this manner; but I put the case as a fair illustration of the argument. There was one case in which something very like this might have happened, and it was even thought probable that it would happen. It was reported that an expedition had been planned to seize the person of McLeod, and to carry him off to Canada; and I believe that a very distinguished and gallant general in the United States service, (General Scott)—an officer for whom, in common with his fellow-citizens, I cherish the highest respect and regard—went, in company with the Attorney General, to Lockport; and it was conjectured that he had received orders to hold McLeod and defend the Lockport jail against any incursion of Sir Allan McNab or any other person.

Suppose now that such an expedition had been set on foot, that it had succeeded, and that McLeod had been seized and carried off in triumph, the two nations being still in profound peace. The rescue of a prisoner is a high criminal offence. What would have been done with McNab if he had voluntarily come within our jurisdiction and been arrested? If he could be indicted and tried and punished before the British Government should have time to recognise his act, very well. But if not, then, at the moment of such recognition, he would be no longer responsible, and must forthwith be set free. The principle of Vattel, rightly understood, absolutely secures the territorial sovereignty of nations in time of peace by permitting them to punish all invasions of it in their own criminal courts, and his doctrine is eminently calculated to preserve peace among all nations. War

has its own laws, which are never to be extended to the intercourse between nations at peace.

The principle assumed in Mr. Fox's letter is well calculated for the benefit of powerful nations against their weaker neighbors. (But in saying this I do not mean to admit that we are a weak nation in comparison with England. We do not, indeed, wish to go to war with her, yet I am confident in the belief that whatever we might suffer during the early period of such a contest would be amply compensated by our success before we reached the end of it.) But let me present an example.

Let us suppose that the empire of Russia has by her side a coterminous nation, which is comparatively weak. A Russian Colonel, during a season of profound peace, passes over the boundary, and commits some criminal act against the citizens of the weaker nation. They succeed, however, in seizing his person, and are about to punish him according to the provisions of their own laws. But immediately the Russian double-headed black eagle makes its appearance; a Russian officer says to the authorities of the weaker nation, "stop, take off your hands; you shall not vindicate your laws and sovereignty. We assume this man's crime as a national act." What is the consequence? The rule for which Britain contends will in this case compel the injured nation, though the weaker, to declare war in the first instance against her stronger neighbor. But she will not do it; she will not become the actor, from the consciousness of her weakness and the instinct of self-preservation. This principle, if established, will enable the strong to insult the weak with impunity. But take the principle as laid down by Vattel. The weaker nation defends the majesty of her own laws by punishing the Russian subject who had violated them; and if war is to ensue, Russia must assume the responsibility of declaring it, in the face of the world, and in an unjust cause, against the nation whom she has injured. It is said that one great purpose of the laws of nations is to protect the weak against the strong, and never was this tendency more happily illustrated than by this very principle of Vattel for which I am contending.

I therefore believe that the Secretary of State was as far wrong in his view of international law as in his haste to appease the British Government, in the face of a direct threat, by his instructions to Mr. Crittenden. The communication of these instructions to that Government, we know, had the desired effect. They went out immediately to England, and no sooner were

they known on that side of the water, than in a moment all was calm and tranquil. The storm portending war passed away, and tranquil peace once more returned and smiled over the scene. Sir, the British Government must have been hard-hearted indeed, if a perusal of those instructions did not soften them, and afford them the most ample satisfaction. This amiable temper will never even be ruffled in the slightest degree by the perusal of Mr. Webster's letter to Mr. Fox, written six weeks afterwards. The matter had all been virtually ended before its date.

In the views I have now expressed I may be wrong; but as an American Senator, without any feeling on my part but such as I think every American Senator ought to cherish, I am constrained to say, that I cannot approve of the course pursued by the Secretary of State in this matter; while at the same time, I hope and trust that no other occasion may arise, to demand from me a similar criticism on the official conduct of that gentleman.

REMARKS, JUNE 12, 1841,

ON A RESOLUTION AS TO UNFINISHED BUSINESS.[1]

Mr. Buchanan thought the resolution unnecessary. There was a courtesy among the members of that body which rendered it always easy for gentlemen to accomplish their wishes as to the order of business. He rejoiced, however, incidentally to have heard that the subject of a Bank of the United States was to be taken up next week; that was emphatically the great business which had brought them here; and, when it should come up, he trusted the Senator from Kentucky would find they were as anxious to get on with its discussion and to dispose of it as he could himself be. As to sitting so long at once as to produce exhaustion, he had never known it to expedite public business, but the contrary. He should be opposed to fixing the hour of meeting at 10 o'clock. He agreed, however, entirely with the honorable Senator that the present session ought to be confined, rigidly, to the important subjects for which Congress had been convened; but, owing to the rapidity with which the Senate got on with its business, they

[1] Cong. Globe, 27 Cong. 1 Sess. X. 45. The resolution provided for the consideration, during the rest of the session, immediately after the journal was read and petitions and reports were received, of any undetermined matter under discussion at the preceding adjournment.

might calculate, without any extra haste, on keeping far ahead of the other House, which, for aught he could perceive, was likely to debate abolition for a week or two longer. He thought no man could complain of any want of rapidity in the manner in which they had repealed the Sub-Treasury law; he believed that operation had been completed in a day and a half, or two days. If gentlemen persisted in having all the voting on one side of the Senate, and all the speaking on the other, he thought they might hope to get home again in two or three weeks.

SPEECH, JUNE 15, 1841,

ON THE McLEOD CASE.[1]

Mr. Buchanan expressed his thanks to the Senate for their kind indulgence in permitting him to address them this morning, instead of requiring him to proceed at the late hour last evening when the adjournment was made. He should endeavor to merit this indulgence by confining himself to as brief a reply as possible to the observations which had been made in answer to his former remarks.

And first, said Mr. B., I cannot but feel highly gratified that the few remarks which I made in opening this debate, were sufficiently potent to call forth four such distinguished Senators in reply as those from Virginia, [Mr. Rives,] Massachusetts, [Mr. Choate,] Connecticut, [Mr. Huntington,] and South Carolina, [Mr. Preston.] In contending against such an host, my only wonder is that I have not been entirely demolished. Thanks be to Providence, I am yet alive and ready for the conflict; and, what is of more importance, my arguments remain untouched, however ably they may have been assailed by the distinguished Senators.

The Senator from Virginia [Mr. Rives] has preached me a homily on the subject of my party feelings. I acknowledge myself to be a party man; and why? For the very same reason, I presume, which has, also, made the Senator from Virginia a party man. I sincerely believe that the very best interests of the country are identified with the principles and involved in the success of my party; and he doubtless entertains a similar opinion

[1] Cong. Globe, 27 Cong. 1 Sess. X. Appendix, 65-69.

in regard to the party to which he belongs. But *he*, of all men, ought to be the last man in this Senate to read me such a lesson. Is he no party man himself? This he will not pretend. I think I may with confidence appeal to the Senate to decide whether he is not, *at the very least*, as strong and ardent a party man as myself.

In regard to our foreign relations, I have ever studiously avoided, as far as this was possible, the influence of party feeling. I have determined, on this subject, to be of no party but that of my country; and if I know myself, I should rather have applauded, if that had been possible, than condemned the conduct of the Secretary of State in his recent transactions with the British Government. The commentaries which I have made on his instructions to the Attorney General, I felt myself called upon to make as an American Senator, jealous of his country's honor.

The Secretary's head would have been turned long ago, if the incense of flattery could have produced this effect. Each of the four Senators has indulged in an excess of eulogy upon him. As if no one mortal man could be justly compared with him, he has been almost deified by comparing him with the whole Roman Senate. The Senator from Virginia has informed us that the Secretary will deliver up McLeod to the British Government, as the Roman Senate sent back the murderers of their embassadors to King Demetrius, determined like them to avenge the insult offered to his country, not upon the head of any subordinate agent, but of the sovereign himself. We shall see hereafter the justice of this parallel.

I have been for many years acquainted with the distinguished author of the instructions to Mr. Crittenden. For condensation of thought and of expression, and for power of argument, that gentleman is not surpassed by any man in this country. But will these qualities alone make him a great practical statesman? No, sir, no. To be such a statesman, he must be powerful in actions as well as in arguments—in deeds as well as in words. He must possess the clear and sound judgment, the moral firmness, and the self-reliance necessary to decide and to act, with promptness and energy, in any crisis of political affairs. The Secretary is not the man whom I should select for my leader in times of difficulty and danger. In the mighty storms which shake empires, he is not the man whom I should place at the helm to steer the ship of State in safety through the raging billows. Nature generally distributes her gifts with an impartial hand. Some

she endows with great powers of eloquence, and others with great powers of action; but she seldom combines both in the same individual. Demosthenes himself, the greatest of orators, fled disgracefully at the battle (I think) of Chæronea, and afterwards accepted a bribe; whilst Cicero was timid and irresolute by nature, and was, even in the opinion of his own friends, unfit for great actions. I would not attribute to the Secretary that want of courage and firmness which was so striking in Demosthenes and Cicero; and I present these examples merely for the purpose of proving that great powers of ratiocination do not alone make great statesmen, fitted to act upon trying occasions. In leaving the Senate, the Secretary has, I think, left his proper theatre of action. Should we be involved in serious difficulties with England, I doubt whether he will ever be as conspicuous in the field of diplomatic action, as he has been in the field of debate. His is not one of those master minds which can regulate and control events.

I shall now return to the subject of debate and shall spend no more time upon it than may be absolutely necessary to reply to the few points made by those who have, with such eloquence, heaped eulogy upon eulogy on the Secretary, instead of refuting my arguments.

There are some important principles on which the four Senators and myself entirely agree. And in the first place, they all coincide with me in regard to the enormous outrage committed on our national sovereignty by the capture and destruction of the Caroline. We all agree that this was a most atrocious invasion of our rights as a free and independent nation. An American vessel, manned by American citizens, and lying within our own waters under the protection of our own flag, has been seized by a band of volunteer marauders from Upper Canada, has been set on fire, and with our maimed and murdered citizens on board—the living with the dead—has been sent headlong down the dreadful precipice of Niagara. We all agree that this was one of the greatest outrages ever committed by the subjects of one independent nation against the sovereignty and the citizens of another.

Is there, then, any principle of national law of such resistless power that it will rescue these murderers from trial and punishment when arrested within the jurisdiction of the sovereign State where their crimes have been committed? Can the perpetrators of this barbarity be claimed by their Government, and upon its

subsequent assumption of their responsibility and their guilt, must they be released and permitted to go free by virtue of any imperative mandate of the law of nations? The British Government and the American Secretary of State have answered this question in the affirmative; whilst I trust I shall be able to prove that the best writers on public law, as well as both reason and justice, have answered it in the negative.

Sir, I desire to pay a deserved compliment both to the argument of the Senator from Massachusetts, [Mr. Choate,] and to the feelings displayed by him throughout his remarks. It was his first appearance in debate here, and judging of others by myself, I must say, that those who have listened to him once will be anxious to hear him again.

On the great principle of international law involved in this case, the Senator and myself entirely agree. Indeed on this point there is no contrariety of opinion between myself and any of the Senators who have replied to me, unless it may be the Senator from Virginia. In my opening remarks I laid down the principle in as broad terms as any of them have used. I freely admitted, that all the modern authorities concurred in declaring, that the law of nations protects individuals from punishment in the courts of an invaded country, for hostile acts committed there, *in obedience to the commands of their own sovereign, during a state of public war; and that, too, whether this war has been solemnly declared or not, and whether it be general or partial.* War has its own laws, and such individuals, if seized, can only be held as prisoners of war. They cannot be punished. Upon this principle of the law of nations we all agree. It is upon its application to the circumstances of the present case, and upon that alone, that we differ.

I think I shall satisfy the Senate that no war of any kind, under the law of nations, existed between Great Britain and the United States, in consequence of the attack upon the Caroline; and that the capture of this vessel was not an act of war. I shall then conclusively establish, from the very authorities cited by the Senators, that the perpetrators of this outrage are liable to be tried and punished in the criminal courts of New York.

If no war existed between the two nations, then, according to the argument of the Senators themselves, M'Leod can enjoy no immunity from trial and punishment. Was the capture of the Caroline then an act of war? I answer not. And why? Because no power on earth, except it be the supreme sovereign

power of a nation, can make war. Nay, more; no other power can even grant letters of marque and reprisal. The Senate will understand that I speak of offensive war, such as the capture of the Caroline must have been, if it were war at all. I admit that any appropriate authority on the spot, from the necessity of the case, may repel invasion, and thus make defensive war. What does Vattel say upon this subject? He declares that "*war, under the law of nations, can never be waged by any but the sovereign power of a State.*"—Vattell, page 291.

And again, in page 398, he says:

> The right of making war, as we have shown in the first chapter of this book, solely belongs to the sovereign power, which not only decides whether it be proper to undertake the war, and to declare it, but likewise directs all its operations, as circumstances of the utmost importance to the safety of the State. *Subjects, therefore, cannot of themselves take any steps in this affair; nor are they allowed to commit any act of hostility without orders from their sovereign.*

These elementary principles, necessary to prevent nations from being involved in the calamities of war by every rash adventurer, or by any authority short of the sovereign power, are laid down by Rutherforth as well as Vattel, and every other writer on the law of nations. They are so simple and so consonant to human reason, that I shall read no other authority to establish them.

That there may be no escape from the argument, permit me to read a sentence or two from the favorite author of the Senators, (2 Rutherforth's Institutes, 507,) to show what is the nature of public war:

> Public war, says he, is divided into perfect and imperfect. The former sort is more usually called solemn, according to the law of nations, and the latter unsolemn war. Grotius defines perfect or solemn war to be such public war as is declared or proclaimed. . . . Unsolemn or imperfect wars between nations, *that is, such wars as nations carry on against one another without declaring or proclaiming them, though they are public wars, are seldom called wars at all; they are more usually known by the name of reprisals or acts of hostility.*

Thus the Senate will perceive that whether the war be solemn or unsolemn, perfect or imperfect, it is still public war, and such as "nations alone can carry on against each other." It would be vain to declare that the sovereign power alone can wage solemn war, if you permit individuals, without its authority, to make reprisals or commit acts of hostility. Suffer them to do this, and they can involve their nation in a general war, not

only without the consent, but in opposition to the will of the sovereign power.

Having thus established, by the highest authority, that public war, whether perfect or imperfect, can alone be waged by the command of the nation or sovereign power; let us proceed to inquire whether the capture of the Caroline was an act of public war by Great Britain against the United States.

Will it be pretended by any person that this invasion of our territory was authorized or commanded by the sovereign power of Great Britain? Certainly not. The expedition which crossed the Niagara, captured the Caroline, and committed the murder with which McLeod stands charged, was neither authorized nor commanded to make war on the United States by the Government of England. This act of hostility was authorized alone by Colonel McNab of the Canada militia, and not by Queen Victoria, or even the supreme provincial Government. It was undertaken suddenly by a band of volunteer marauders, who neither knew nor cared what was the object of the expedition. On the recent argument of this case before the Supreme Court of New York, the Attorney General of that State, as appears from the Herald, read a despatch of Governor Head to Lord Glenelg, the British Colonial Secretary, from "Head's Narrative," pages 377–80. The letter was dated 9th February, 1838. The letter showed the nature of the attack, and that it was composed of volunteers, who embarked in ignorance of the precise object of the expedition—Captain Drew, who led on the attack, merely obtaining men who "*would follow him to the Devil.*" I regret that I could not procure this book. It has not yet been received in the Congressional Library. No object was avowed or even intimated by Captain Drew. Conscious that he was about to embark in an unlawful and unjustifiable expedition, he concealed his purpose from his followers. Fifty or sixty desperate banditti agreed to follow him to the Devil; and on that night they committed arson and murder upon the soil and within the sovereign jurisdiction of the State of New York. And yet, in order to save McLeod from the punishment due to his crimes, Senators have been compelled to contend that this lawless attack was an act of *public war committed by Great Britain* against this country. Unless they can establish this position, their whole argument sinks into nothing.

Now, sir, if there never had been a book written upon the subject of national law, could such a principle be maintained for

a single moment? Reason would at once condemn the idea, that such a marauding expedition, suddenly undertaken by an inferior officer, was public war. No, sir; no: there was no war between Great Britain and the United States; and it follows as a necessary consequence that every man engaged in this murderous attack upon a vessel lying within the peaceful waters of the sovereign State of New York, is amenable to her criminal laws.

On this point, I shall presently show that the authorities are clear and decided. And here permit me to observe that the Senator from Massachusetts did me no more than justice in supposing that I had intentionally omitted to cite Grotius, for the purpose of proving that individuals engaged in all public wars, except such as are denominated solemn, might be arrested and punished for their acts under the laws of the country which they invaded. Grotius, in more places than one, has asserted this principle. Whether there was not more humanity in this ancient doctrine than in that which prevails at present, I shall not attempt to decide. According to it, nations were compelled to make a public and solemn declaration of war, and thus gave notice to their enemy and all mankind of the commencement of hostilities; otherwise such wars were externally unlawful, and subjects were liable to punishment for obeying the commands of their sovereign. But I cheerfully admit that the law of nations has changed since the time of Grotius, and that this immunity from individual punishment now extends to public wars of the unsolemn or imperfect kind which are preceded by no declaration.

But what is the consequence if the members of a nation make reprisals, or commit acts of hostility, as Colonel McNab and Captain Drew have done, without the authority of the sovereign power? Are they, in such a case, protected from punishment for their criminal acts, in the courts of the nation whose laws they have violated? Let Rutherforth answer this question, (vol. 2, p. 548.)

Thirdly: Grotius confines the external lawfulness of what is done in a war which is internally unjust, to solemn wars only; whereas the external lawfulness in respect of the members of a civil society extends to public wars of the imperfect sort, to acts of reprisal, or to other acts of hostility. By giving the name of public war to reprisals or other acts of hostility which fall short of being solemn wars, I suppose the reprisals to be made, or the acts of hostility to be committed, *by the authority of a nation*, though it has not solemnly declared war. *For if the members of the nation make reprisals, or commit acts of hostility, without being thus authorized, they*

are not under the protection of the law of nations: as they act separately by their own will, so they are separately accountable to the nation against which they act.

Now, sir, here is McLeod's very case in so many words. Human ingenuity cannot escape from it. Those who commit acts of hostility, without the authority of the nation to which they belong, are punishable by the nation against which they act. No man can pretend to say that this midnight incursion of desperate banditti who followed Captain Drew, acted under the command of the sovereign power of England. They were volunteers—they acted upon their own authority; and McLeod boasted that he was one of this number. Under the very authority read by the Senator from Massachusetts himself, *as they acted separately by their own will, and without the authority of the British nation, so they are separately accountable to the State of New York against which they acted.* This then is the principle upon which we stand. If, therefore, McLeod committed the murder attributed to him, within the territorial jurisdiction of New York, under every law, both human and divine, he ought there to be punished for his offence.

On the question of national law, I might safely rest here. I have conclusively shown that Colonel McNab, of his own authority, could not wage war in behalf of Great Britain against the United States; but I shall go one step further, and present an authority which would seem almost to have been intended for this individual case. It will be found in 2d Rutherforth's Institutes, pages 496, 497, 498, &c. The questions there answered are, Can any inferior magistrate make war? or must war proceed from the supreme magistrate? The author, after having treated the subject at some length, and proved that no inferior magistrate, whether of a civil or military character, can lawfully make war, concludes with the following language:

Upon the whole, whatever liberty we have to use words in what sense we please, the law of nations will call no war a public one, unless it proceeds on both parts from those *who are invested with supreme executive power; for in the view of this law no other magistrates have a public character in respect of war.*

It would be a monstrous doctrine, that every petty British magistrate along the Canada line can, at his pleasure or his caprice, involve this country in war with Great Britain. If he can authorize lawless adventurers to make such an incursion upon us as Captain Drew has done, he may license pirates, robbers,

and murderers to invade our borders, and, after they have been guilty of the greatest enormities, may demand their surrender, and rescue them from punishment, by casting the responsibility upon his Government.

No subsequent approbation of the offender's criminal act by his sovereign can relieve him from punishment. It is the existence of actual war when the crime was committed, and that only, which could constitute his defence. I, therefore, entirely agree with the Senator from Massachusetts, in the principle that if McLeod had been a soldier in public war, the proof of this fact alone would relieve him from punishment. The subsequent interference of his sovereign in his behalf was not necessary. Whilst I admit this, I consider it equally clear, that if war did not exist between the two nations, this interference could not withdraw him from the penalty of the laws which he had violated. It is the fact of the existence of war, and not the interference of the British sovereign, on which the decision of McLeod's case must depend.

In every case of a crime committed within our territory by a foreigner, except only in actual war, the principle applies which I cited from Vattel in my opening remarks. The State or nation whose laws have been outraged, always punishes the offender. If the sovereign of the nation to which he belongs should approve or ratify his criminal act, in the language of Vattel, "it then becomes a public concern against such sovereign." But this does not prevent the offended State from bringing the criminal to justice under her own laws. This is the rule between nations at peace. It applies strictly to the case of McLeod; because when the murder was committed with which he is charged, and ever since, we have been at peace with England. I had not supposed that any Senator would controvert this rule; because upon its existence depends the sovereignty and independence of nations. If the Queen of England or the King of the French, in time of peace, can send emissaries into our country to excite insurrection; and if, when detected in crimes against our laws, the foreign sovereign can rescue them from punishment by approving their conduct, we are then no longer supreme and independent within our own territory. If I understood the Senator from Virginia [Mr. Rives] correctly, he contended that, under this very authority which I had cited from Vattel, when properly understood, the recognition of any criminal act of a foreigner within our jurisdiction by his sovereign, would release the of-

fender from trial and punishment in our courts of justice. Upon this recognition the prison doors must fly open, and even the murderer escape. I cannot consent to argue this proposition; but I shall present to the Senator an example of what might occur in our own country if his doctrine were correct.

Suppose the Governor of Jamaica should send an emissary into one of our Southern States for the purpose of inflaming the passions of the slaves against their masters and exciting a servile insurrection—is such an emissary not to be held accountable to the laws of this State for his acts, because the British Government, whose subject he is, may have authorized the suppression of slavery in this cruel manner? Although blood and assassination may follow in his footsteps, yet must he, when arrested and brought before a court of justice to answer for his crimes, be surrendered to his sovereign the moment his surrender is demanded?

Mr. Rives here explained. He said that such was not the position for which he contended. He had not intended to say more than that military invasions were recognized by national law as relieving the invaders from punishment.

Mr. Buchanan. Probably I may have mistaken the gentleman in supposing that the principle for which he contended was, that the sovereign power under which an individual acted, and not the individual himself, was responsible, no matter whether he were employed as a military or a civil agent to accomplish the designs of his Government. I certainly understood the Senator distinctly to say, that the authority cited by me from Vattel would prevent the States of this Union from punishing any offence committed within their territories by a foreigner, provided his conduct were afterwards sanctioned by the offender's sovereign.

Mr. Rives. Such I understood to be the meaning of Vattel. I did not read the passage myself. Vattel is mistaken in this particular. I defined my argument as being applicable to military aggression only.

Mr. Buchanan. Then, sir, it seems that Vattel is wrong in this particular; but I have the pleasure of knowing that the Senator from Virginia concurs with me against what he understands to be the opinion of this great author. But Vattel is not fairly subject to the Senator's criticism. On the contrary, he is the highest authority for the opinion which we now both entertain. He lays it down that the sovereign aggrieved may punish any such offence committed within his territory; and it is nowhere

intimated that his arm shall be arrested, whenever a foreign sovereign chooses to recognize the act.

We then agree that if, in time of peace, an offence be committed within the territory of a nation, no authority whatever can screen the offender from the penalty inflicted by its laws. The Senator admits that war, and war alone, can render these sovereign laws impotent. But even in war a captured soldier is not to be delivered up on the demand of his Government. He is to be held as a prisoner of war; and if McLeod were in that condition, Mr. Fox would have no right, under the law of nations, to demand his release, though he might justly protest against his punishment.

But as neither Colonel McNab nor Captain Drew could authorize any act of hostility against the United States, no war existed; and an imaginary war has been conjured up by gentlemen as a last resort, to rescue McLeod from danger, and to justify the Secretary of State in yielding to the demand of the British Government. No case, then, exists, to justify the demand of McLeod's release; and the State of New York has a perfect right to punish him for any offence committed within her jurisdiction.

When I addressed the Senate before, I expressed an opinion that McLeod was not present at the capture of the Caroline. On examining the evidence, however, which was recently presented to the Supreme Court of New York, I find sufficient testimony to render it probable that I may have been mistaken. Among other testimony, a witness deposed that on the morning after the destruction of the Caroline, he had met McLeod at a tavern in Chippewa, who then boasted that he had killed "one damned Yankee" in that expedition, and, pointing to his sword, said "there's his blood." I hope this was only his own vain boasting, and that he was not in reality so bad as his vanity prompted him to pretend to be. On the question of his guilt or innocence, I now desire to express no opinion.

The Senator from Massachusetts is mistaken in his application of the established principle of the law of nations regarding volunteers to the case of McLeod. It is certain that volunteers who enter the military service of another country for the purpose of acquiring skill in the art of war are, when taken by the enemy, to be treated as if they belonged to the army in which they fight. This is the principle laid down by Vattel. Such a volunteer is entitled to all the rights and privileges which war confers, to the same extent as though he were a citizen or subject of the nation

whose forces he has joined. But is this the case of McLeod? In order to make it such, the Senator must first prove that war existed between this country and England, and that, being the citizen of another country, that individual voluntarily joined the British army.

The Senator from Massachusetts has put a case calculated to affect our feelings. How hard would it be, says he, for a man to be aroused from his bed at midnight, to be torn from the arms of his wife and young child, and commanded, upon his allegiance, to join an invading force; and then, after having acted under this compulsion, to be subjected to punishment if made a prisoner of war! But this, all must perceive, is a mere fancy sketch, and has no application to the case of McLeod. His was a voluntary offence—there was no command—no compulsion. He was a volunteer, and was instigated by his own evil impulses alone to join the expedition, and commit the crime of murder, for which, according to the law of nations, if he should be found guilty, he has forfeited his life to the offended laws of New York.

The object of all human punishment is to prevent crime; and it is certain that such lawless attacks on the sovereignty of an independent nation will be most effectually prevented, if the persons engaged in them know that they will certainly be punished under the laws of the nation which they have attacked. This is the clear principle of public law. When you arrest any such assailant, who has voluntarily invaded your territory, and wilfully taken the life of one of your citizens, mercy teaches you that you ought to hang him for murder, as an example to all others who might be willing to offend in the same manner. If this were your known determination, we should never more suffer from such lawless expeditions as that of Captain Drew. We should thus save our citizens from murder and rapine, and the two nations from all the horrors and cruelties of actual war. Our side of the question is that of true humanity. The punishment of a single offender at the first, would thus save the lives of thousands of innocent victims hereafter.

Our Government ought to have taken a decided stand upon this principle. I regret that they have not done it. Let an insurrection again break out in Canada, and we shall reap the bitter fruits of the Secretary's blunder. The inferior officers of the British Government all along the border will be sending expeditions across our frontier, which will plunder and murder our

citizens, under the pretence of defending their Canadian possessions against the attacks of the insurgents. This will be done, if for no other purpose but that of displaying their zeal and devotion to their sovereign. The example of the capture of the Caroline, and the honors, rewards, and approbation which have been bestowed upon the captors, will animate them to undertake similar enterprises.

Had the Secretary of State firmly resisted the demand of the British Government to surrender McLeod, and let it be known that those engaged in such enterprises should always be punished under our laws, we should have experienced no farther difficulty.

Even if McLeod had been a regular soldier, and acted under the command of his superior officer, this would not have relieved him from punishment under our laws; although it might have made a strong appeal to our feelings of mercy. There are many instances on the records of British courts of justice, in which soldiers have been held justifiable for disobeying the illegal commands of their officers. In such a case as that of the incursion into our territory for the purpose of capturing the Caroline, they might have said, we will follow you into battle anywhere against the enemies of our country, but we shall not obey your command to invade a neutral and friendly nation, with which our sovereign is at peace. In such a case, I admit that it would be much more just to punish the officer who gave the command than the soldier who obeyed, though in regard to the question of power there would be no difference.

The case imagined by the Senator from Massachusetts would be a hard one; but there is no hardship of that kind in the case of McLeod. He invaded our territory of his own accord—he determined to follow Captain Drew to the devil, and we ought not to prevent him from reaching his place of destination. If it should appear on the trial that he was the murderer of Durfee, he ought to be hung. The judgment of all mankind would approve the sentence, and the whole civilized world would say amen to this act of justice.

[Mr. Benton from his seat here said "*Amen.*"]

Even Sir Robert Peel, high Tory as he is, in the late debate in the House of Commons, did not condemn the conduct of the authorities of New York towards McLeod. On the contrary, he declared that he would give no opinion whatever respecting his arrest and imprisonment.

Having thus endeavored to demonstrate that no principle of

public law required the Secretary of State to surrender McLeod on the demand of the British Government, we now come to the most important point of the discussion; I refer to the Secretary's conduct and bearing throughout the whole transaction.

He is most fortunate in having such an advocate as the Senator from Virginia. The devoted friendship which appears to exist between these gentlemen reminds one of the language of the poet. Theirs are

"Two bodies with one soul inspired."

The Senator has pronounced a truly brilliant eulogy on his friend, the Secretary. Let us inquire whether that eulogy is justified by the facts.

An outrage has been committed on our national sovereignty in time of peace—an outrage of such an aggravated character as to have justified an immediate declaration of war on our part; and what have we been told by the British Minister? To do him justice, he has never, like Senators on this floor, contended that McLeod ought to be surrendered, because the capture of the Caroline was an act of war against the United States. This was an after thought to save the Secretary from condemnation for yielding to the demand of the British Government. It is ridiculous to pretend that war existed between the two countries. Mr. Fox resorts to no such subterfuge. On the contrary, so far as we can ascertain his views, he justifies the outrage upon a principle which no American Senator would dare to defend. He has very modestly informed us, in substance, that we were too impotent to preserve our neutrality in the civil war which existed in Canada, and that, therefore, it became necessary for her Majesty's Government to perform this duty for us. To use his own mild and moderate language—

> The place where the vessel (the Caroline) was destroyed was nominally, it is true, within the territory of a friendly power; but the friendly power had been deprived, through overbearing piratical violence, of the use of its proper authority over that portion of territory.

Nay, more, he justifies this invasion of our territory by alluding to the example of General Jackson during the Florida war. But is there any parallel between the two cases?

The Spanish authorities in Florida honestly confessed that they had not sufficient power to restrain their Indians from crossing our frontier and committing depredations on our territory; and it was not until after this humiliating confession had been

made, that General Jackson pursued these Indians across our line into the Spanish territory. This was not done until we could say to the Governor of Florida: You acknowledge that you cannot comply with the stipulations of the treaty between us, requiring each party to restrain the Indians within their own limits, by force, from committing hostilities against the other party, and, therefore, the paramount law of self preservation justifies us in performing that duty for you. Besides, the territory of the Seminoles was wild and unsettled, and was but nominally under the jurisdiction of Spain.

And yet the British Minister compares the Government of the United States and the State of New York to the Colonial Spanish Government, which was too feeble even to protect itself, and justifies the capture and burning of the Caroline and murder of Durfee by the example of General Jackson in pursuing the barbarous Seminoles across the Spanish line!

Thus stood the question when Mr. Fox addressed the official communication of the British Government to the Secretary of State on the 12th March last. Now, Senators may talk as much as they please about the high tone assumed by Mr. Webster in his letter of the 24th April; but the whole question between the two Governments had been virtually ended on the 15th March, when Mr. Webster announced to Mr. Fox his determination to comply with the demands of the British Government, so far as that was in his power. This annunciation was made by delivering to Mr. Fox a copy of the Secretary's instructions to the Attorney General.

The British Government, after having kept our remonstrance, in the case of the Caroline, before them unanswered for three years, put their veto upon it, and said in substance to Mr. Webster, "we justify the act." In the late debate upon this subject in the House of Commons, Lord John Russell proclaimed to the world that Lord Palmerston had informed the American Minister at London "*that the British Government had justified the destruction of the Caroline.*" On this question, it does not appear that they even granted us a hearing. Our able and eloquent remonstrance, sustained as it was by abundant testimony, was disposed of in half a sentence; and Mr. Webster was barely informed that this outrage was a justifiable employment of force. The British Government thus, in effect, declared, in their letter to the Secretary, that they approved of what McLeod had done; and they assumed the responsibility of the outrage, even to the

sending the Caroline adrift, with living men on board, to be swept over the falls of Niagara.

In common civility, they ought to have confined themselves to the simple demand of McLeod's surrender upon the principle avowed in Mr. Fox's communication, and left our remonstrance against the capture and destruction of the Caroline for future negotiation. This question would then have been left open, and our Secretary would have had a pending subject on which to write his April letter. But such a course would not have comported with the character of this proud and arrogant monarchy.

The communication then proceeds to reiterate the demand of McLeod's surrender, and threatens us with the serious consequences which must follow our refusal. How have the Senators on the opposite side treated this plain and palpable threat? The Senator from Massachusetts [Mr. Choate] did not allude to it at all; and this was his most prudent course. The Senator from Connecticut [Mr. Huntington] explained it away in a summary manner, by stating that the serious consequences to which Mr. Fox alluded in his letter were not war against the United States, but simply those which would result from disputing what he deemed a settled point in the law of nations! The Senator himself could not forbear from smiling, whilst placing this construction upon the threat. This example shows how certainly even a gentleman of great ingenuity must be lost, whenever he attempts to explain away clear and plain language conveying a direct and precise meaning. This threat can never be explained away by any human ingenuity.

Sir, it was we who had cause to threaten—it was we who ought to have demanded from the British Government the surrender of the captors of the Caroline and the murderers of American citizens on that fatal expedition, that they might be tried and punished under the laws which they had violated. We owed it to ourselves and to our character before the world to make this demand the very moment when the British Government first justified the outrage to Mr. Webster. But instead of this, when one of these miserable bandits was arrested within our territory upon his own boastful acknowledgment that he was guilty, the British Government at once interposed to save him from trial and from punishment; and they, instead of us, became the actors. The British minister, in effect, tells Mr. Webster, "we cannot regard the rights of your sovereign and independent States; it is the Government of the United States which we hold responsible;

we therefore demand of *you* the release of McLeod from the custody of the State of New York, and we entreat you deliberately to consider the serious consequences which must follow from your refusal."

Mortal man, in civil life, never had a more glorious opportunity of distinguishing himself than was presented to the American Secretary of State on this occasion. Had he then acted as became the great nation whose representative he was, he would have won the gratitude of his country and enrolled his name among our most illustrious statesmen. The opinion of mankind would have justified a high tone on his part towards the British Government; and I verily believe that such a tone would have been the most effectual mode of preserving peace between the two nations. We had drunk the cup of forbearance to its last dregs, and we ought then to have displayed a little of that patriotic indignation which the conduct of the British Government was so well calculated to excite. A small portion of the spirit of the elder William Pitt would have impelled the Secretary to pursue the proper and politic course for his country as well as for his own fame.

The British Government ought to have been told that we could never yield to a threat. They ought to have been told by the American Secretary, "you must first withdraw this threat before we can do even that which we believe to be justice." This is the conduct which honorable men pursue towards each other, and it is the conduct required from a great nation by the public opinion of the world.

Although this is the tone which the Secretary ought to have assumed; yet I might have forgiven him even if he had taken as high ground as was occupied by his own political friends in the Legislature of New York, before they knew of the existence of the threat. The position which they assume, in their address to the people, is "that the subject of McLeod's guilt or innocence is one exclusively belonging to the court and jury of the State; that, like all other persons accused of crime, he must have a fair trial, enjoy a legal deliverance, if innocent, and suffer the punishment of his crimes, if guilty; and that neither the British Government, nor the Government of the United States, ought to be allowed to interfere in any manner with the regular course of legal proceedings in this case."

An answer such as this would at least have saved us from disgrace. But, sir, what was the course of the Secretary? In

relation to it, I shall not now repeat what I have said on a former occasion. After admitting in the strongest terms that McLeod ought to be immediately surrendered, the Secretary, "with a motherly care, lest any thing might be done against him contrary to law," to use the language of the Senator from South Carolina, [Mr. Preston,] despatches the Attorney General to Lockport. For what purpose? To see that McLeod is saved from the violence and injustice of whom? Of the highest judicial tribunal of the sovereign State of New York.

Could not McLeod, if he were innocent, have justified himself without the actual interference of our Attorney General? He had employed able counsel, and he was sustained by the British Government. Would not the court have admitted any legal evidence in his favor without the mission of Mr. Crittenden? Why, then, send him all the way to Lockport to exercise this "motherly care" over McLeod, which he did not need, even if he had deserved it? His life was in no danger, if he were innocent, or if the opinion expressed by the British Government and the American Secretary on the point of international law be correct; but even if he were in danger, no human power known to the laws and Constitution of our country, could rightfully withdraw him from the jurisdiction of that court.

In answer to the British Minister, the Secretary, in effect, says: "Your demand is just. McLeod ought to be surrendered, and if this were in my power, I would surrender him in a moment. Unfortunately, he is not confined under the authority of a court of the United States. If he were, I should at once have a *nolle prosequi* entered in his favor. I cannot withdraw him from the jurisdiction of the sovereign State of New York; but I shall use every effort in my power for his relief. I shall send the Attorney General of the United States to his assistance; and I now express as strong an opinion as you could desire, that, under the law of nations, the Supreme Court of New York are bound to throw open his prison doors, and let him run at large."

Under these assurances, which the British Minister received within three days after the date of his demand, in the form of instructions from the Secretary to the Attorney General, he rested entirely satisfied. He had gained his point. Our Government had cowered before him, and this last act of submission has capped the climax.

Armed at all points, the Attorney General was directed to see that a writ of error should be taken to the Supreme Court of

the United States from the judgment of the court in New York, in case the defence of McLeod should be overruled.

If there be any law in existence which authorizes such an appeal from the judgment of the Supreme Court of one of the sovereign States of the Union, in a case of murder peculiarly within the jurisdiction of its own laws, I do not know the fact. The Secretary of State is a great lawyer, and in his researches he may possibly have discovered such a law; but yet I venture to assert that the decision of the Supreme Court of New York, whether for or against McLeod, will be final. I shall be glad to learn the opinion of the Senator from Connecticut [Mr. Huntington] on this subject, who is a profound and able jurist.

The Senator from South Carolina [Mr. Preston] has taken me to task for stating that, under the circumstances of the case, the Secretary of State ought not to have expressed the opinion, in answer to Mr. Fox, that McLeod was entitled to his discharge under the law of nations. He asks, why should the Secretary have concealed his opinion, if he agreed with Mr. Fox in his view of the subject?

Now, sir, whilst I admit that our diplomacy ought ever to be, as it ever has been, frank, open, and candid; yet I should not have responded to Mr. Fox, that McLeod ought to be discharged under the law of nations, for two reasons, either of which I deem amply sufficient.

In the first place, this very question was then, and still is, pending before a judicial tribunal in New York, having exclusive jurisdiction over the matter. Under such circumstances, a prudent man would have awaited the decision. If the court should differ in opinion from the Secretary, as I think they ought, he, as well as the President, will be placed in a most awkward dilemma, in regard to our relations with the British Government. If the court should insist upon hanging McLeod, whilst the Secretary has already decided that he ought to go free, our position will be truly embarrassing.

In the second place—I, at least, would never have expressed such an opinion to Mr. Fox, in the face of a positive threat. It would have been enough, in all conscience, for the Secretary to have said: "Justice will be done to McLeod. If not guilty, he will be acquitted, and on his trial he will have the full benefit of that principle of the law of nations which you assert. If guilty of a crime against the laws of New York, the Government of the United States cannot interfere, because that State is

sovereign, and has an uncontrollable right to administer her own criminal justice, according to her own pleasure."

That we should submit to the insolent threats of other nations, because other nations have thus submitted, is not a rule which any American citizen will ever recognize. Unhappy, indeed, must be the condition of Senators, when they are driven to cite such precedents for the purpose of sustaining the Secretary, and justifying England. The honorable Senator from Virginia [Mr. Rives] informs us that he himself had used similar language in a diplomatic note. I doubt not that he did; I have no recollection of it, although I once considered it a duty which I owed to him to examine carefully all his correspondence with the French Government. But even if the Senator has used language such as that of Mr. Fox to a proud and haughty nation like France, is that any reason why we should submit to language thus insulting from any nation on the face of the earth?

Mr. Rives explained, but the Reporter did not hear his explanation.

Mr. Buchanan. Yes, sir, General Jackson, in a public message to Congress, did use very strong language in regard to France, as he had a right to do. He did assume a very lofty tone, and thus, I believe, prevented war. But mark the difference. This was in a message to a co-ordinate branch of our own Government; and was not addressed in the form of a diplomatic note to the French Government.

I have not mistaken the language of the Senator from Virginia. The words were: "I have held language like this (of Mr. Fox) to a proud and haughty nation."

Another precedent cited by the Senator was the language addressed by this same Mr. Fox to Mr. Forsyth; but he has forgotten to state what was Mr. Forsyth's answer. Mr. Forsyth at least gave him a Rowland for his Oliver, and did not pass it by, as Mr. Webster has done, without any notice. This is one great difference between the two cases. But there is still another. The expression used by Mr. Fox to Mr. Forsyth is not near so strong as that which he used to Mr. Webster; and in his note to Mr. Forsyth he expressly declared that he was not authorized to pronounce the decision of his Government upon our remonstrance in the case of the Caroline. The British Government had not then decided, as they have done now, to turn a deaf ear to our complaint. Mr. Forsyth replied that no discussion of the question here could be useful, as the negotiation had been transferred

to London; whilst he informed him that the opinion, so strongly expressed by him, (in the case of the Caroline,) "would hardly have been hazarded had he been possessed of the carefully collected testimony which had been presented to his Government in support of our demand" for reparation. Mr. Forsyth's conduct, whether in public or private life, will afford but a bad precedent to sustain the doctrine of submission.

The Senator from South Carolina [Mr. Preston] has informed us that he had many precedents to justify the language of Mr. Fox; but he took care not to cite one of them. He considers it questionable whether the language of Mr. Fox amounted to a threat or not, but triumphantly exclaims that if Fox did threaten, "Webster defies back again." Defies back again! Is this the course which a proud Government ought to pursue? Defies back again! Can insulting language be avenged in this manner?

But when did Mr. Webster defy back again? Not until his letter of the 24th April, which was not written until six weeks after the threat. The whole question had then been settled, so far as the British Government was concerned, forty days before. It had all been adjusted to their entire satisfaction when this "defiance back again" was uttered; and this defiance might have been much louder and stronger than it was, without disturbing their equanimity.

We had demanded reparation for the outrage on the Caroline. The British Government had delayed for three long years even to give any answer to our demand. But when McLeod is arrested, that Government, through their minister, avow and justify this outrage—demand his release, and threaten us with the consequences in case we should refuse. Our Secretary at once yields, admits that we have no right to try and punish McLeod, and sends the Attorney General to New York to obtain his release.

Now, sir, if the Secretary had responded to the high tone of patriotic feeling which pervades this country, he never would have met the demand and the threat of the British minister in this manner. He should have said, "The American Government demanded reparation from you three years ago for the capture of the Caroline. I now reiterate that demand, and I entreat the British Government 'to take into its most deliberate consideration the serious nature of the consequences which must ensue' from their refusal." Instead of this, what does the American Secre-

tary do? He treats the affair of the Caroline as though it were still a pending question, and had not been decided by the British Government, satisfies the British minister in regard to McLeod, and takes forty days to write a chapter for effect to satisfy the people of this country. But nowhere through this long essay does he even allude to the threat, though he had yielded to it. This letter of the 24th April will probably never even be noticed by the British ministry, unless we should now make a new and positive demand for reparation. The Secretary may write, and write, and write again, as many long and able arguments as he pleases; if this be all, they will not move the British Government. The difference between us is, that they act, whilst we discuss; and as long as we do what they please, they will suffer us to write what we please.

But how has the Secretary "defied back again?" The Senator from South Carolina [Mr. Preston] has read some of this language of defiance from the letter of the 24th April. "All will see," says the Secretary, "that if such things are allowed to occur, they must lead to bloody and exasperated war." When, sir, do you suppose this bloody war of the Secretary will commence? *Will it be on the next fourth of July, or some fourth of July, or any fourth of July in all future time?* Again: "This Republic is jealous of its rights, and among others, and most especially, of the right of the absolute immunity of its territory against aggression from abroad; and these rights it is the duty and determination of this Government fully, and at all times, to maintain, whilst it will at the same time as scrupulously refrain from infringing on the rights of others." This, then, is the defiance back again of which the Senator from South Carolina vaunts. Let me tell that Senator that it is not these vague and unmeaning generalities, however beautifully expressed, which will produce any effect upon the British Government. It is the demand—the positive demand of atonement for the Caroline outrage, and the expression of a stern and unalterable purpose to obtain it at any hazard, which can alone induce them to reconsider their determination and yield to justice.

The Senator from Virginia [Mr. Rives] asks me whether I suppose that the man whose death we are all now deploring, and in memory of whom this chamber is now hung in black, would have submitted to an insulting threat from the British Government? I most certainly think not. However much I may have differed in political opinion from the late President, I believe he

never would have knowingly acted as his Secretary has done. Had he been informed that Mr. Fox's letter throughout was in a tone most arrogant and imperious—that it commenced with a demand of McLeod, justified the capture of the Caroline, and ended with a repetition of this demand, and a threat in case it was refused—I honestly believe that his only reply to this threat would have been, "No: never will I submit even to consider the case, until this threat shall be withdrawn."

It was almost impossible, however, that General Harrison could have given any attention to this subject. Mr. Fox's letter was dated on Friday, the 12th of March, and Mr. Webster answered it in the form of instructions to Mr. Crittenden on Monday the 15th March. But two days intervened, and one of them was the Sabbath. And what were the circumstances in which that man was then placed whose death we now mourn? When he should have been permitted by those who elevated him to the Presidency to review calmly and deliberately the great interests of the country, they were hunting him even to the death in pursuit of office. He was not suffered to enjoy a moment's time for quiet and reflection; and at last he sunk into the grave under their persecution. I entertain a proper respect for the memory of General Harrison. I believe his course towards the British Minister would have been that of a proud American, had he enjoyed the leisure necessary to examine the subject. He never would have complied with an insolent demand, or submitted to an insolent threat.

If John Tyler approves the course of the Secretary, as has been intimated by the Senator from Virginia, he has taken special care not to express his approbation of it in his message. What does he say upon the subject?

> A correspondence has taken place between the Secretary of State and the Minister of her Britannic Majesty accredited to this Government, on the subject of Alexander McLeod's indictment and imprisonment, copies of which are herewith communicated to Congress.
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> In addition to what appears from these papers, it may be proper to state that Alexander McLeod has been heard by the Supreme Court of the State of New York on his motion to be discharged from imprisonment, and that the decision of that court has not as yet been pronounced.

These are the only passages in the message in which he alludes to the affair. Do they contain any approbation of the Secretary's arrangement? Is there the slightest expression from which it may be inferred that Mr. Tyler was satisfied with it? On the contrary, would it not appear that he has cautiously and

purposely refrained from giving any opinion on the subject? Besides, he was at Williamsburg, and not in Washington, when Mr. Webster determined on his course, and wrote his instructions to the Attorney General. Mr. Tyler himself must avow distinctly that these instructions meet his approbation, before I shall believe the fact. Until then I shall think there has been some mistake in this matter.

I have thus presented my views on a question which I fear, from the manner in which it has been managed, may eventually lead to a war with Great Britain. The spirit of this country will now demand an atonement for the violation of our territory, for the burning of the Caroline, and destruction of human life on that melancholy occasion. Prudence and firmness, and a determined spirit, may yet induce the British Government to yield to the demands of justice. The American people will now never be satisfied until the proper atonement shall be made. If the Secretary had refused to yield to the haughty pretensions of that Government, and informed them that McLeod must be tried, and if found guilty must be punished, all might have passed away without serious difficulty. But having yielded to their demand for the surrender of McLeod, the people will now insist that they shall yield to our demand for atonement for the outrage on the Caroline.

RESOLUTION, JUNE 17, 1841,

ON REMOVALS FROM OFFICE.[1]

Mr. Buchanan submitted the following resolution:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate a list of all the removals from office, or public employment of any kind whatsoever, which have been made by himself, or by the Secretaries of State, of the Treasury, of War, or of the Navy respectively, or by the Postmaster General or Attorney General, or under the authority of either, since the 4th day of March last, stating therein particularly the names of the persons removed, and the names of those appointed. And that he be further requested to cause to be communicated to the Senate a list of all the removals from office, or public employment of any kind whatsoever, which have been made since the said 4th day of March last by the different collectors of the customs, and other officers, whose removals and appointments are submitted to the Secretary of the Treasury for confirmation, stating therein particularly the names of the

[1] S. Doc. 25, 27 Cong. 1 Sess.; Cong. Globe, 27 Cong. 1 Sess. X. 63-64.

persons removed, and the names of those appointed. And that he be further requested to cause to be communicated to the Senate a list of all the removals from office, or public employment of any kind whatsoever, made by the deputy postmasters throughout the United States whose compensation amounts to two thousand dollars and upwards per annum, stating therein particularly the names of the persons removed, and the names of those appointed.

REMARKS, JUNE 21, 1841,

ON THE CONDITION OF THE FINANCES.[1]

Mr. Buchanan said that he did not rise to make a speech. It had been his intention to offer some remarks upon the report of the Secretary of the Treasury; but he should forbear. It would be downright cruelty further to expose the mistakes, not to give them a harsher name, of that extraordinary document. His chief object in rising was to protest against the principle assumed by the Senator from Kentucky, [Mr. Clay,] that this was not a proper occasion to discuss the merits of the Treasury report. Of all occasions it appeared to him to be the most proper. When we were asked to print fifteen hundred copies of this report, might we not be permitted to inquire what it contained? It had been put forth to the world as the justification of this expensive session, called at the most inconvenient season of the year; and was it not proper to inquire whether it contained any such justification? Was it not competent for his (Mr. B.'s) friends to show, as they have done conclusively, that from beginning to end it contained gross blunders and mistakes, which the very facts spread upon the face of the report itself, when rightly understood, abundantly disproved?

Mr. Clay. Is it a proper time to discuss the condition of the Treasury under a former Administration, upon a mere resolution to print this report?

Mr. Buchanan had not said that it was; but it was proper, he maintained, to discuss any subject treated of by the report itself, proposed to be printed, with a view of controverting its statements. He had frequently remarked that the Senator from Kentucky was an adept in that species of political tact, which under anticipated defeat, enabled him to lead us off upon a new scent, until time was given to his discomfited friends to rally.

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[1] Cong. Globe, 27 Cong. 1 Sess. X. 83.

Instead now of attempting to defend the report of his friend, the Secretary, he desires to change the issue, and prove that its merits ought not to be discussed on this motion. Never since he (Mr. B.) had been a member of the Senate, had he seen any document so ably examined, criticized, and triumphantly demolished, as had been this unfortunate report. Even its own friends did not attempt further to defend it. Without referring specially to his (Mr. B.'s) other friends who had so unmercifully handled this document, he would say that his friend from New York [Mr. Wright] had made such an exposition of its fallacies and unfounded assumptions, in his clear and conclusive manner, as was wholly unanswerable. He should be exceedingly glad to hear the new Chancellor of the Exchequer [Mr. Clay] make the attempt to answer the speech of the old Chancellor. [Mr. Wright.]

Mr. Clay. I shall do so hereafter, when the proper occasion arrives.

Mr. Buchanan said the present was the accepted time. An answer now might prevent the conviction on the public mind, which must result from this day's debate, that the Treasury report could not be defended. An answer was due to the able Senator from Maine, who had gallantly but unsuccessfully attempted to sustain this report, and had said every thing which could be said in its defence. Would the Senator from Kentucky suffer him to stand alone against an host? For his own part, he would not now speak, if for no other reason than that he would not accept such odds against one gallant champion. He would not attack him after he had been successfully assailed by so many others. Had the new Chancellor of the Exchequer thought proper to reply to the old, he would then have had five or six questions to propound to him, arising from the face of the report itself, on which he should have respectfully requested answers. But as there was no further resistance, he should not now delay the business of the Senate by the argument which he had intended to submit. On the very first suitable occasion, he would propound the questions to which he had referred.

REMARKS, JUNE 23, 1841,

ON BANKS IN THE DISTRICT OF COLUMBIA.[1]

Mr. Buchanan said he did not mean to come within the range of the storm—but he desired to state the fact, that when these bank charters were before the Senate at a former session, the presidents of three of them had come to him and expressed their willingness to accept the charters upon the terms now proposed. They informed him that they believed if they were to resume, under the condition to continue specie payments, as imposed in the charters, they would soon secure the confidence of the community, and that they would not have runs upon them for their specie. He was absent yesterday when the vote was taken on the amendment making stockholders responsible to the note holders. He was in favor of the provision, which was justice only, as the stockholders were the persons who had the profits of the banks, and ought to make good the losses sustained by others through a system devised for their benefit. This principle prevailed in the joint stock banks of England, Scotland, and Ireland, and worked well. He was opposed to chartering the District banks at this time; and disposed to await the general resumption before he created banks here. He should vote on the question pending in the way he thought most likely to produce the defeat of the bill.

Mr. Allen said he understood the Senator from Kentucky had said that the Pennsylvania Bank of the United States was chartered by a Legislature, a majority of whom were Democrats. He would thank the honorable Senator from Pennsylvania to inform them of the real state of the facts.

Mr. Buchanan said there was a decided majority of Whigs and Antimasons in the House of Representatives, and this was occasioned by the division of the Democratic party by the friends of Messrs. Wolf and Muhlenberg. The Democratic party thought they had a majority in the Senate; but five or six Senators, who had been the most terrific enemies of the Bank, went over, and by the aid of their votes the bank bill was passed. These gentlemen are now among the most influential and leading —he was going to say respectable—members of the Whig party.

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[1] Cong. Globe, 27 Cong. 1 Sess. X. 97.

Mr. Allen. Have any of them been appointed to office since the accession of the present party to power?

Mr. Buchanan. That is a matter for consideration in Executive session.

REMARKS, JUNE 24, 1841,

ON REMOVALS FROM OFFICE.[1]

Mr. Buchanan said it had not been his purpose to say one word on his own resolution,[2] for he did believe that the call for information was so correct in itself, and the information required was so proper for the public, that he could not have anticipated opposition from any quarter. He was sorry to find himself mistaken, and that gentlemen on the other side were so sensitive in regard to the subject of it that they could not let this resolution pass without encumbering it with an amendment calculated to render it nugatory. If this had not been the object of the Senator from North Carolina, [Mr. Mangum,] he would, instead of his amendment, have offered a separate resolution, to the adoption of which he (Mr. B.) could not have the least objection. But if the amendment were attached to his (Mr. B.'s) resolution, when was it probable that an answer could be obtained from the President? If a range of inquiry as to all the removals and appointments which had been made during the last twelve years were to be entered upon, would it be possible to get an answer to his resolution during the present session of Congress, even if it should continue until the middle of September? This was the only objection he had to the gentleman's amendment. If the original resolution had called for the reasons of removals from office, the gentleman's sensitiveness would be excusable; but he (Mr. Buchanan) asked for no reasons. He simply desired a list of those removed and those appointed by the present Administration. He at first thought of entering into some explanation of the nature of his call for this information; but the resolution itself was so plain on its very face, that he deemed it unnecessary, at the present moment, to go into particulars.

Mr. B. said he could declare, in all sincerity, that the first idea of making this call for information had been suggested to

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[1] Cong. Globe, 27 Cong. 1 Sess. X. 101–102.

[2] For the resolution, see June 17, 1841, supra.

his mind but a few days before he left home, in consequence of hearing daily of removals and appointments of postmasters throughout the county where he resided. Respectable men, who had been solicited by their neighbors to accept of little offices established at the cross roads for the public convenience, were removed, in order that some good Whig might be rewarded with these small crumbs of Executive bounty. In at least one instance, he believed that the post office itself had been removed to some distance from the place where it was first established, in order that the Postmaster General might find a worthy Whig recipient of his patronage. After his arrival here, he learned that the work of proscription was progressing on a grand scale among these petty post offices. These removals were so extensive, and so mysterious, as to produce much sensation. Everywhere the victims were falling like leaves in October; but no man knew whence the blow came, or who had put the Executive arm in motion. The names of the fated of these victims were concealed from the public, as far as this was possible. Neither of the official journals here had published the removals or appointments made by the Postmaster General. The blow was aimed against these Democratic postmasters from the secret recesses of the Post Office Department; and their number and their names veiled in Executive mystery, and not permitted to meet the public eye. When the late Postmaster General had made removals, they were weekly published in the Globe, and were thus communicated to the whole country. But what was the case now? He had it from authority on which he relied, that the Postmaster General was now removing at the rate of one hundred and thirty postmasters per week; and for any thing which appeared in the public papers of this city, he had never made a single removal since he came into office. The country had thus been kept in utter ignorance of the extent of the proscriptions of this anti-proscriptive Administration. They had concealed their hand. And the honorable Senator from North Carolina had informed us that what has yet been done was only the preface—the volumes would hereafter be written. We have had but a small duodecimo; hereafter we were to receive the quartos.

Was it not necessary for the public information that the changes in the different post offices should be published? It was often, very often necessary that individuals who had business to transact in remote districts of country should know who were the incumbents of the different post offices. Show your hands,

gentlemen, said Mr. B., and never do that which you are either ashamed or afraid to publish. Amos Kendall, the late Postmaster General, never set such a precedent to his successor. He then called upon the Senator from North Carolina to answer him the question directly;—why, when removals were proceeding at the rate of one hundred and thirty per week, and if they were not, the answer to this call would disprove it, the Whig journals of the city were entirely silent on the subject. The public acts of public men under a free Government, were public property, and should never be concealed from the people. When this had to be resorted to, it was always evidence that there was something wrong. He might refer particularly to the proscriptive conduct of other Departments, but should forbear for the present.

Another reason, he confessed, which had induced him to offer the resolution, was to show the beautiful consistency between Whig professions and Whig practice; between promises made before the election, and performance afterwards. If the late Administration did make removals, he asked whether, in doing so, they had ever violated any of their principles or promises? The maxim which the Senators on the other side had attributed to it, and which its friends had always denied, was, that "to the victors belong the spoils." It was certain, however, that when opportunities offered, we have preferred our friends to our enemies; but all was open and fair in our conduct. The late Administration had never shrunk from the responsibility of their actions; and were never either afraid or ashamed to publish them to the world.

But how had the supporters of the present Administration acted throughout the canvass which preceded the late Presidential election? Had they not made professions subserve them instead of principles? Could any man deny that there were numerous and respectable individuals everywhere who had enlisted under their banners, because they were made to believe that the late Administration had pushed the principle of proscription entirely too far, and that the election of General Harrison was loudly demanded for this reason alone, even if no other existed? The Whigs solemnly promised radically to reform this system, which they said converted the Presidential election into a mere struggle between factions eager to seize the spoils of victory, instead of a great contest for the ascendency of political principles. They would be actuated by higher and nobler motives; and thousands

and tens of thousands of moderate men had been deceived by such professions. How wretchedly had these men been disappointed! Proscription assailed us at every step. We lived and moved in the atmosphere of proscription, and its victims were scattered everywhere around us.

If you go into the sacred walks of Christianity—Christianity, the purest and the best gift which ever descended from Heaven upon man, and you there find its professors preaching what they never practised, and never intended to practise, what would be your conviction of the sincerity and true character of such professors? What would you think of that man, if, with the precepts of this sublime doctrine upon his lips, his life gave the lie to his professions? You would not hesitate to pronounce him guilty of the grossest hypocrisy. All mankind would unite with you in calling him a hypocrite. He would not undertake to apply this name to gentlemen on the other side, but he should leave the people to judge. This, however, he should say: that the ruthless proscription which was now progressing so directly at variance with all the professions and pledges of the Whig party, was the most glaring and signal example in the history of any Government, ancient or modern, of the opposition between professions before an election and practices afterwards. No popular Government had ever existed, beginning with that of Athens, and coming down to the present day, in which a political party had so recklessly and so suddenly violated their most solemnly professed principles, as the Whig party of the present day had done. It was no wonder that they should endeavor to shroud their conduct in mystery, and to conceal their removals from the world.

Never had the leaders of any party been more solemnly committed on any doctrine than those of the Whig party were in their hostility to proscription. From the Senator from Kentucky, [Mr. Clay] down, they had all spoken the same language. That Senator had repeatedly, on this floor, denied the existence of the power of removal by the President under the Constitution. How eloquently had he declaimed against the maxim that "to the victors belonged the spoils"?

Mr. Clay. Will the Senator from Pennsylvania allow me a word in explanation? I have said that power does not belong to the President, though it has grown into use. It has been a subject of legislation, and as such it is not questioned.

Mr. Buchanan. The Senator from Kentucky then declared

that under the Constitution the right did not exist, but that in law it did; and that now, being in office, he would justify his Administration for its proscription, not by constitutional but by legislative authority. Had he not, over and over again, denounced the late Administration on the ground of proscription?

Mr. Clay, (from his seat, in a jocular way,) I did, sir; but our practice now grows out of the necessity of our case. We cannot, indeed, sir, consent to allow your friends to remain in our confidence.

Mr. Buchanan. The Senator then acknowledges that whilst he hates the principle, he loves the practice. So much for Whig consistency! And the Senator from Kentucky candidly admits that the power of *necessity* goes beyond the power of principle; and this, because the friends of the late Administration stand in the way of principle, and its enemies are clamorous for the loaves and fishes.

He (Mr. Buchanan) had never expressed any opinion of his own on the subject of the spoils belonging to the victors. He had never said that to the victors belonged the spoils. He had acted differently when he had declined to disturb the Whigs in petty post offices in his district of country. But proscription now proceeds rapidly, and in less than six months hence, at the same rate, there will not be a man left in office who was appointed by the late Administration. In the entry of the present Administration into power, he did expect that they would at least have done one thing. Hundred of persons had been appointed to office by the late President, under existing laws, for the term of four years. If the present Administration had allowed them to remain till the expiration of their term, it would, in some small degree, have acted in conformity with its professions, and would have lost nothing by the arrangement; because what its friends might have lost in the beginning would have been made up to them in the end. But not even having adopted this principle, what had been the spectacle presented to the world by the determination, so instantly and almost by anticipation, acted upon, of unsparing proscription? Did not the blush of shame suffuse the cheek of every disinterested American when the spectacle of the rush for office was exhibited in all its odious colors at the time of the inauguration? Did it not furnish foreigners an occasion of deriding our institutions? If the new Administration had announced that all those in office would be allowed to complete the term of their appointments for four years, unless they had been

guilty of official misconduct, there would have been no unseemly rush for offices; the new appointments would have been made gradually as the old expired; and this country would have been spared the humiliating spectacle which the supporters of the Administration exhibited. But proscription was necessary to reward those who had restored the golden age! And what had been promised as one of the blessed effects of the rule of that golden age?

The Senator from South Carolina [Mr. Preston] had uttered a sentiment which had gone forth to the world, and was hailed with eulogy whenever it was read—far and wide had it spread over the land—that the days of proscription had gone forever; that PROSCRIPTION WAS ITSELF TO BE PROSCRIBED. There was a profession of the golden age!

That Senator had, with virtuous and eloquent indignation, repelled, on this floor, even after the Presidential election, the bare insinuation that the Whigs would act upon the doctrine of proscription. The maxim that "to the victors belong the spoils," he proclaimed to be infamous and detestable. Even Machiavel himself, in the Senator's opinion, had never conceived or avowed so foul a maxim.

The present President of the United States had been as strongly committed by declarations, speeches, pledges, and addresses, against this doctrine, as any other member of the Whig party.

He (Mr. B.) would not further attempt to paint the manner in which these distinguished Whigs had carried out their principles. This might spoil the picture. All he wanted was the list of removals and appointments. This would speak for itself; and he had no doubt we might then exclaim with justice, "how he nicks them!"

He was sorry that the Senator from North Carolina [Mr. Mangum] had proposed his amendment to this simple resolution of inquiry. It might have the effect of preventing the presentation to the whole land, wherever the beautiful sentiment to which he had alluded had been read, of the understanding which the party in power attached to that sentiment. He [Mr. Buchanan] yet hoped the Senator from North Carolina would reflect upon the consequences of his amendment, and withdraw it.

REMARKS, JUNE 30, 1841,

ON A PETITION TO INCORPORATE A NATIONAL BANK.[1]

Mr. Tallmadge said he was requested by a most respectable and intelligent committee of the Board of Trade of the city of New York to present a petition of from fifteen to twenty thousand citizens of that city, for the establishment of a *National Bank*. He was authorized to say that, although the great portion of the petitioners were friends of the present Administration, there were many names of those who belong to the other party; and that the number of petitioners, by taking a little more time, could have been increased to thirty thousand. It is believed that there is not the name of a single individual to that petition who is not a legal voter. They are of the business and working portion of the community. And he (Mr. T.) had no doubt that a decided majority of the people of New York were in favor of a National Bank. He did not, at this time, intend to occupy the time of the Senate on this subject. If he should deem it necessary to say any thing further, he would take an opportunity when the Bank bill was under consideration.

[The petition, which was rolled on a reel and hung in a frame, was laid on the Secretary's table. It was marked City of New York, and stated to be 250 feet in length. As much of it was unrolled by one of the pages of the Senate as reached from the Secretary's table to Mr. Clay's desk.]

Mr. Clay said he had conversed with some of the members of the committee that had brought on the document, and had learned that such had been the feeling of the people in relation to the subject, that even the aged had come forward to sign it, and instanced an old gentleman upwards of eighty years of age, who had actually walked a considerable distance to do so. It had also been mentioned to him that five Loco Focos had attended one of the precincts appointed for receiving signatures to the petition, and had attempted to get up a disturbance, with a view of preventing persons from signing the petition, but a good Whig, who thought he would try what effect reason would have on them, went forward and asked them, Did they know any thing about the measure they were opposing? He then reasoned with them—explained the effect of a disorganized currency—the cause of it—the object of this measure to restore the good

[1] Cong. Globe, 27 Cong. 1 Sess. X. 129.

old times of the United States Bank; and finally succeeded in persuading four out of the five to sign the petition, and almost converted the fifth. Now, he (Mr. Clay) was induced to wish that this good Whig and his four Loco Foco converts had also come on with the petition, that they might converse with his friends at the opposite side of the Chamber, with a view of getting them to reason on the matter, and dismiss their old prejudices. He was sure, if they could but have an opportunity of sitting down in one of the committee rooms together, and take a chew of tobacco and a glass of grog sociably and amicably, while discussing the subject, they would stand some chance of being converted by their New York brother Loco Focos, and would be saved the necessity of making speeches for no other purpose but to keep alive their old Jackson prejudices.

Mr. Buchanan said it certainly would have been most advisable had his friend, the Senator from Kentucky, imported along with this petition the very extraordinary Whig and his four or five Loco Foco converts, with a view of convincing the Senate of what the honorable Senator himself had failed to convince it; that a United States Bank was to be the great panacea he had promised to the country. He (Mr. Buchanan) until now had thought the honorable Senator from Kentucky was as much distinguished as any man in the community for his extraordinary powers of persuasion; and having found that he had hitherto failed to persuade any of his (Mr. Buchanan's) friends in the Senate that their doctrines were unsound, or his own more advantageous to the country, he certainly was not prepared to learn that there was yet another Whig in the world who could effect what he had not effected. But if there was, it certainly behooved the Senator to bring forward that Whig and his Loco Foco converts to accomplish something more than the Senator himself had been able to accomplish. As to the length of this petition, he hoped the Senator could not imagine that the names to a petition, measured out by the yard, whether that petition was 50 or 500 yards in length, could have any influence in deciding the merits of a question to be discussed on principles of constitutional right.

Mr. Clay asked leave to say a few words. If the Senator from Pennsylvania and his friends would really undertake to listen calmly to the good Whig in New York and his Loco Foco converts, he (Mr. Clay) did not know but he would send for them to effect some change. He really thought if they would calmly

discuss the principles of the measure—even as he had said before, over a chew of tobacco, or glass of grog, laying aside their Jackson notions of yellow-boy currency—they would very soon become converts, too, and, instead of a useless opposition, would be found perfecting a measure which they would soon feel satisfied was called for by the best interests of the country.

Mr. Buchanan. Well, sir, I cannot undertake for my friends to say what they will do; but I will tell the honorable Senator from Kentucky, what I myself will do, and what I will not do. I will not undertake to chew tobacco and drink grog with his New York Whig advocate, and four or five converted Loco Focos; but I will, as I have often done before, have no objection to a glass with the Senator himself, and listen to his arguments with a sincere desire of discovering in them any thing which I have hitherto failed to discover, to satisfy me that he is right and I am wrong. It is too much to ask me to take in one dose so many chews of tobacco and glasses of grog, together with arguments for conversion.

Mr. Clay. Well, sir, take them in broken doses. Any thing, sir, for a good effect.

Here the subject dropped.

SPEECH, JULY 7, 1841,

ON THE BILL TO INCORPORATE THE SUBSCRIBERS TO THE FISCAL BANK OF THE UNITED STATES.[1]

Mr. Buchanan rose and addressed the Senate as follows:

Mr. President: It was originally my intention, in opening this debate on our side of the question, to confine myself to some observations in reply to the report of the Select Committee on the Currency, and to the remarks of the Senator from Kentucky, [Mr. Clay,] which I consider as a mere supplement to that report. I intend still to pursue this course, although the occasion is very tempting to depart from it, and go more at large into the discussion. I think it could be demonstrated that this bill, considered in itself as a mere Bank bill, is a production of the dark ages of the world, and does not come down beyond the tenth century of the Christian era; and that in its preparation, all the

[1] Cong. Globe, 27 Cong. 1 Sess. X. Appendix, 161–169.

lights of knowledge, and all the lessons of experience on the subject of banking, have been utterly disregarded. But I waive all this for the present, and proceed to my reply.

And, in the first place, the committee declare as "their deliberate conviction, that a vast majority of the people of the United States concur in the expediency of establishing such an institution as a Bank of the United States, and that they are now looking with anxious solicitude to the deliberations of Congress, under the confident hope that a Bank of the United States will be established at the present extraordinary session of Congress."

It is their "deliberate conviction" that a vast majority of the people of the United States anxiously desire the establishment of a National Bank. Whence is this "deliberate conviction" derived? From what source does it proceed? I am entirely at a loss even to conjecture. Was the question of a National Bank discussed anywhere before the people by the great Whig party previous to the last Presidential election? Was the establishment of such a Bank then made a turning-point of Whig policy anywhere? No, sir; no; the Whigs everywhere shrunk from the question. They concealed their opinions on the subject —nay, more—in some States of the Union they professed, that hostility to a Bank of the United States was one of the cardinal principles of their party. The Whig convention of Virginia, in their address to the people, expressly declare that General Harrison was opposed to a National Bank; that he was against it on constitutional grounds: and unless I am greatly misinformed, a distinguished gentleman of North Carolina, [Mr. Badger,] now a member of the Cabinet, in an address before the Whig convention of that State, indignantly pronounced the assertion that General Harrison was in favor of such a Bank, to be a falsehood. This speech was, I understand, printed and circulated all over North Carolina. I have not seen it myself; but have received my information from an undoubted source.

Mr. Graham said the speech was not made before the Whig convention, but at a public meeting in that State.

Mr. Buchanan. Then the gentleman admits that the speech was made. Where it was made is of little consequence.

Mr. Calhoun. I have the speech of Mr. Badger in my hand, and shall read the following extract from it:

"Next it is said that General Harrison favors a Bank of the United States. The charge is false. His opinions, on the contrary, are against a Bank."

Mr. Graham. The speech was not made before the Whig State Convention on the 5th of October, 1840.

Mr. Calhoun. It will show for itself. It appears to have been made on the 3d of March, 1840.

Mr. Graham. At a meeting of the citizens at Granville.

Mr. Calhoun assented to this, and said that a hundred thousand copies of the speech had been printed and circulated.

Mr. Buchanan continued. The misunderstanding relates not to what Mr. Badger said, but merely as to when and where he said it. The important fact is established beyond all doubt, that this distinguished gentleman, who was selected by the late President as a member of the Cabinet, on account of his eminent talents, and his avowed political principles, did come out, at a great convention in March last, and, in the strongest terms, did pronounce the charge to be false that Harrison favored a Bank of the United States. This is all I desire to know; and whether one hundred thousand or one thousand copies of this address were circulated, is a matter of small importance. We then have the solemn declaration of a man of high character, at the head of the Whig party in North Carolina, branding as a falsehood the charge that the late President even favored a National Bank. And yet it is gravely asserted that the people at the late election have determined in favor of such a Bank!

To the best of my knowledge the question was never publicly discussed anywhere in my own State by the Whig party throughout the late canvass. They would have committed political suicide had they made it a turning-point of the election. Their intention to establish a National Bank was carefully concealed from the people.

The late Legislature of Pennsylvania was Whig, decidedly Whig, in both its branches. They, accordingly, instructed their Senators to vote for the repeal of the Independent Treasury, and the distribution of the proceeds of the public lands among the several States; but they did not even attempt to instruct us in favor of a National Bank. They were asked by our friends in the Legislature "why do you not instruct your Senators on this great question?" They were urged to come up to this point by the strongest appeals; but all in vain. They shrunk from the responsibility, knowing that the people would have condemned the act.

Three Congressional elections have since been held in Pennsylvania. Two of them were not contested; but in the third.

there was an animated struggle. This was in the southwestern district of the State, composed of the counties of Fayette and Greene. I am informed by his successful competitor that the Whig candidate in that district publicly and repeatedly declared himself throughout the contest, to be the friend of the Independent Treasury, and the enemy of a Bank of the United States. How strong must have been the current of public opinion which could drive this candidate into an avowal of friendship for the Independent Treasury, and hostility to a National Bank!

But this "deliberate conviction" of the Committee on the Currency is in direct opposition to the deliberate opinion of the President of the United States; and I shall appeal from the judgment of the committee to that of the head, at least the official head, of the party. He has in substance declared, in his late message, what the history of the country has demonstrated to be true, that the question of establishing a National Bank has never yet been presented distinctly before the people of the United States, without receiving their condemnation. I shall not read this portion of the message, because every Senator is already familiar with it. In the President's opinion, the late contest was decided on well known principles; but the creation of a National Bank was not among the number; and most assuredly he is correct in this latter opinion. In the face, then, of all these facts, and many more which might be adduced, what becomes of the "deliberate conviction" of the committee that a vast majority of the American people are anxiously solicitous for the establishment of a National Bank?

It would be well for gentlemen who are really the friends of such a Bank, to consider seriously the consequences which may flow from the passage of the bill at the present extra session. No notice of such a measure was given in the proclamation of the President convening Congress. The people did not expect it, and have never demanded it at your hands. Public opinion is wholly unprepared for it. And yet, at this hot season of the year, when we ought to be all at home, here we are confined in the Capitol, whilst the friends of the Bank are straining every nerve to "rush" it, prematurely, through the forms of legislation, and fasten it upon a reluctant people. What will be the consequences should the bill become a law before our adjournment? Why, sir, from every hill and valley throughout the land—from Georgia to Maine, and from the Atlantic to the Rocky Mountains—the cry of "repeal" will be sounded. "The repeal of the Bank,"

will electrify the people of this country to as high a point as "the repeal of the Union" has electrified the Irish people. Sir, your success will prove fatal to your Bank. All that the American people demand is fair play. This they must have: and they will never quietly submit to this snap judgment which would rivet upon them and their children such an odious institution. No, sir, death is not more inevitable, than that the sudden and premature adoption of this bill by Congress will be the source of innumerable evils to the country. We shall witness new agitations of public opinion, and a new Bank war, compared with which our history has yet presented no parallel. I entreat you, gentlemen, to pause. Wait at least for the fall elections—wait for the expression of public opinion—and if it should demand a Bank, why, let a Bank be established. It may then hope to exist in peace. But if it should now be forced upon us, it will give birth to such political convulsions in the country as we have never yet witnessed. A Bank established in obedience to the public will, clearly expressed, may become a good investment for its stockholders; but this political Bank, should it be now established, will linger out a sickly existence, and at length fall beneath the strong arm of public opinion.

Now, sir, whatever may be said in regard to the propriety of repealing the charter—and for one I should never adopt this measure unless driven to it in defence of the people against the hasty and violent conduct of the friends of a Bank—I presume there can be but little doubt of the power, even if Congress, like the States, had been expressly prohibited by the Constitution, from passing any law impairing the obligation of contracts. In the celebrated case of Dartmouth College, the late Chief Justice Marshall, in delivering the opinion of the Court, plainly and broadly draws the line of distinction between public and private corporations. Whilst those of a public character may be repealed, those of a private nature are inviolable. Hear his own words: "*If the act of incorporation (of Dartmouth College) be a grant of political power; if it create a civil institution to be employed in the administration of the Government;* or if the funds of the College be public property; or if the State of New Hampshire, as a Government, be alone interested in its transactions, the subject is one in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the Constitution of the United States."

But it required no judicial decision to teach a freeman this doctrine. It never could be imagined for a single moment, that the Constitution of the United States intended to enable Congress or a State Legislature to transfer forever either to corporations or to individuals those great and general powers of Government with which they have been entrusted by the people. If Congress can deprive itself by contract of any one of these powers, it may dispose of them all, and that irrevocably; and the National Legislature might thus destroy itself, and transfer all its most important functions to corporations. Such an idea cannot be tolerated for a moment.

The only question, then, would be, is this fiscal agent, in the language of the late Chief Justice, "a civil institution, to be employed in the administration of the Government?" Who can doubt it? Its friends avow that it is an institution necessary for the collection, safe keeping, transfer, and disbursement of the public money; and that it alone can furnish a sound and uniform currency, and regulate the foreign and domestic exchanges of the country. Nay, more; its advocates admit that this corporation is constitutional, only because it can exercise these great and important financial powers of Government. It will be as much a branch of the Treasury Department as ever the Independent Treasury was; and, like it, and all other acts of Congress which relate to the great public interests of the country, will be liable to repeal. If the Government should think proper to call in the aid of private individuals to establish this public fiscal corporation, their private interest can never paralyze the arm of Congress or prevent it from exercising its high legislative discretion in repealing this law and substituting any other fiscal agent which might, in its opinion, conduce more to the interest of the country.

I speak solely of the question of power, under judicial decisions; and I merely glance at the subject for the present. In the event of repeal, the private stockholders in such a Bank may have an equitable claim for indemnity on Congress; but nothing more. It is wholly unlike the case of a State bank charter granted to individuals, which has been declared by the judiciary to be a private corporation.

Yes, sir, "repeal," "repeal," will be the cry everywhere, should the bill now pass; and the struggle will never cease until the law shall be expunged from your statute book, or until the

power of money shall have subdued the free and manly spirit of the American people.

The Committee express a decided opinion that the power of Congress to establish a National Bank "ought to be regarded as a settled question." "It is settled," "it must be considered as settled," say all the friends of the Bank; and their arguments upon this subject have been urged for the purpose of proving, not that this question ought to be, but that it is settled in their favor. Now, if it were not unparliamentary language, and if I did not desire to treat all my friends on this side of the House with the respect which I feel for them, I would say, that the idea of this question having been settled so as to bind the consciences of members of Congress when voting on the present bill, is ridiculous and absurd. Before a court of law, in a case involving private rights under either of the old charters, it may be considered as settled; but the proposition now before Congress is to create a new Bank, the two old Banks having lived out the allotted period of their existence. The question is now put to the conscience of each Senator, and he is asked, "do you possess the power under the Constitution to create this Bank?" If all the judges and all the lawyers in Christendom had decided in the affirmative, when the question is thus brought home to me as a legislator, bound to vote for or against a new charter, upon my oath to support the Constitution, I must exercise my own judgment. I would treat with profound respect the arguments and opinions of judges and constitutional lawyers; but if, after all, they failed to convince me that the law was constitutional, I should be guilty of perjury before high Heaven if I voted in its favor.

I respect judicial decisions, within their appropriate sphere, as much as any Senator on this floor. They put at rest forever the controversy immediately before the court, and, as a general rule, they govern all future cases of the same character, but even these decisions, like all other human things, are modified and changed by the experience of time, and the lights of knowledge. The law is not now what it was fifty years ago; nor what it will be fifty years hereafter.

But how does the constitutional question stand at the present moment, even upon the authority of judicial precedent? Have the Supreme Court decided that any independent power exists in the Constitution authorizing Congress to establish a National Bank? No, sir; no such thing; because this would have been in

direct opposition to the well known vote of the Convention itself, refusing to Congress the power of granting charters of incorporation. There is no judicial precedent in existence which can restrain, or ever intended to restrain the freedom of members of Congress, in voting on the question of a new bank. Directly the reverse is the truth. The opinion of the Supreme Court, in the case of M'Cullough against the State of Maryland, decides no such principle. On the contrary, it expressly refers the constitutional question back to Congress upon every new attempt to pass a new bank charter. This decision is founded upon two clauses of the Constitution; the one conferring on Congress the power "to lay and collect taxes, duties, imposts and excises" for the purpose of paying the debts and providing for the common defence and general welfare of the United States; and the other, "to make all laws which shall be necessary and proper for carrying into execution" the enumerated powers. The only point decided is, that after Congress have determined that the establishment of a bank is a means necessary and proper for the collection and disbursement of the public revenue, the Supreme Court will not rejudge their justice and declare that it is not a necessary agent to accomplish these purposes. They say that it must be an extreme case indeed which would induce them to declare that the means selected by Congress to carry into effect any express power, were not necessary and proper to accomplish the purpose. They thus expressly refer the question back to each Senator and Representative called to act upon the subject, and cast upon him the responsibility of deciding whether a bank of the United States be necessary to carry into effect the power of taxation. This is the very point of the decision. But strange as it may seem, whilst the Supreme Court have thus expressly devolved upon Congress the decision in the first instance of the question, whether a bank be constitutional or not, keen-scented gentlemen rise in their places here and gravely contend that this very question has been so conclusively settled by the Court as to fetter our judgments and consciences, and compel us to abandon the use of our reason when legislating upon the subject. So long as the late bank was in existence, the judgment of the Court declaring it to be constitutional, was the law of the land in relation to that institution. But it has passed away, and now when it is proposed to establish a new bank, it becomes the imperative duty of one and all of us, even in the opinion of the Court, to decide for himself whether this is a necessary agent to

carry into effect the taxing power. For my own part, I do not think it is. I believe that the Independent Treasury is an infinitely better agent for the purpose of collecting and disbursing the public revenue. I should greatly prefer, to a United States Bank, even a system of special deposits of the public money in State banks, prohibiting them under severe penalties from using it for banking purposes; although in comparison with the Independent Treasury, I should disapprove and condemn such a plan. But any agent for me, rather than a National Bank. The Judiciary, then, most clearly have not settled this question.

But even if the Judiciary had settled the question, I should never hold myself bound, by their decision, whilst acting in a legislative character. Unlike the Senator from Massachusetts [Mr. Bates] I shall never consent to place the political rights and liberties of this people in the hands of any judicial tribunal. It was, therefore, with the utmost astonishment I heard the Senator declare, that he considered the expositions of the Constitution by the judiciary to be equally binding upon us, as the expositions of the moral law by the Saviour of mankind, contained in the Gospel, were upon Christians; and that these judicial expositions were of equal authority with the text of the Constitution. This, sir, is an infallibility which was never before claimed for any human tribunal; an infallibility which would convert freemen into abject slaves; an infallibility which would have rendered the infamous sedition law as sacred as the Constitution itself, the judiciary having decided this law to be constitutional; and which would thus have annihilated throughout the whole extent of this Union, the liberty of the press and the freedom of speech. No, sir, no: it is not the genius of our institutions to consider mortal men as infallible.

No man holds in higher estimation than I do, the memory of Chief Justice Marshall; but I should never have consented to make even him the final arbiter between the Government and people of this country on questions of constitutional liberty. The experience of all ages and countries has demonstrated that judges instinctively lean towards the prerogatives of Government; and it is notorious that the court, during the whole period which he presided over it, embracing so many years of its existence, has inclined towards the highest assertion of Federal power. That this has been done honestly and conscientiously, I entertain not a doubt.

The principle of constitutional construction which would

deduce the power to establish a Bank of the United States from the source where it is said to exist, would break down all the barriers erected by our fathers between Federal and State authority. If you can infer this power from the simple power of taxation in the Constitution, I ask what other power which you may desire to exercise may not be inferred from that or some other clause? An ingenious man might thus fasten any power which Congress or the President may desire to exercise, on some one of the express grants contained in the constitution. But the incident cannot transcend its principal—the stream cannot ascend higher than its fountain, and upon the mere power of levying the taxes necessary to support an economical Government, you can never erect a vast corporation to overshadow the whole land, and, if not in form, yet in substance, to change the character of all our institutions. Never, never, can you fairly infer the existence of the power to create a Bank from that of the power "to lay and collect taxes." But it neither was nor is my purpose to enter upon the constitutional argument further than to show that the question has not been settled.

If the question has not been settled by the Judiciary, has it been settled by Congress? Certainly not. If two National Banks have been chartered, they have both been suffered to expire at the termination of their charters, because their existence was believed to be a violation of the Constitution. To say the least, then, the legislative precedents are equal on each side. But if we take into consideration the repeated attempts to establish a Bank which have failed, Congress have much oftener decided against the power than in its favor.

The people have never failed to decide against this power, when the question has been distinctly presented to them, as it was at the Presidential election of 1832, after General Jackson had vetoed the Bank charter. In short, the question has neither been settled by the Judiciary, nor by Congress, nor by the people, nor by the Executive, unless it may have been against the existence of this dangerous power, and against the policy of its exercise.

The committee say that "they have adopted Washington city, proposed by the Secretary of the Treasury, as the place of location of the principal bank." The Senator from Kentucky [Mr. Clay] has informed us that he felt a slight preference for other places; but he agrees with the committee in believing that this is "a subordinate question." He has, therefore, I suppose,

kindly yielded the point to his companions on the committee, for the sake of harmony. Now, sir, I consider this point which he has thus surrendered to be of the very last importance.

Washington city, then—a place destitute of commerce, either foreign or domestic—is the chosen home of this great central money power. If you desire a bank for the purpose of facilitating the commerce, encouraging the manufactures, and promoting the agriculture of the country, Washington city is the very worst spot for its location which could be selected within the broad limits of the Union. But, sir, if you wish to establish a great Treasury Bank, which shall be under the direct influence and control of the Government, this, above all places in the universe, is the very place for its location. The reason is palpable. Here the money power of the Union will be brought into conjunction with the political power; and here they will act together in perfect concert and harmony. Henceforward there will be no jarring between these two high powers.

Now, sir, whatever may have been the design of its projectors, this Fiscal Agent, should it ever be established, will be, both in fact and in form, nothing more nor less than a Government Bank. If I were asked for a definition of a Government Bank, could I give a better one than to say: it is a bank over whose directors the Government will possess, from the very nature of its organization, a controlling influence,—whose stock will be chiefly owned by the Government,—whose surplus profits, beyond a limited dividend to private stockholders, will all belong to the Government,—and whose chief source of profit will be to loan out to individuals, and use, according to its own discretion, the money of the Government? I think I could not give a more perfect definition of such a Bank than is embraced in the particulars which I have just enumerated. If this be true, and who can doubt it, then this Fiscal Bank of the United States will be a Government Bank.

And, in the first place, the Government will have a controlling influence over the directors of its own Fiscal Agent. Who will these directors be? Not merchants; not manufacturers; not men actually engaged in business. Such men will never leave their home and their employment, to reside in this city, and to become directors of this Bank. They will remain in Boston, in New York, in Philadelphia, in Baltimore, in Richmond and everywhere else except in this city, attending to their business. Here no such practical men can be found; and the

Senator from Kentucky is, therefore, of opinion that the directors ought to be selected beyond the limits of the District. Who, then, will these directors be? Does it not result, from the very nature of things, that they must be politicians? Who would come to this city, and spend the whole, or the greater part of the year here, as a director of this Bank, unless it were some political cormorant, desirous of obtaining influence for himself and office for his family and friends? Now, sir, if you desire to preserve this Bank of the United States free from the influence and control of the Government, you ought to remove it to as great a distance as possible from this city. Instead of placing it under the control of politicians, which must be the case, should you locate the bank here, you ought to plant it in some commercial city, where merchants and men of business, having a greater interest in commerce than in politics, would become its directors. This District is redolent with politics. Here, "we live, move, and have our being" in an atmosphere of politics: and during the walks of these directors beneath the groves of the Capitol, (to use the language of the Senator from Kentucky,) politics and not philosophy will be the theme of their conversation, and politicians, not philosophers will be their companions. Of all men in the world, the moneyed aristocracy are the most anxious to propitiate the Executive power and acquire political influence. There are no persons before whom stars and garters and foreign missions shine with such dazzling splendor. They have already acquired wealth; and what they most desire afterwards is political rank and standing in society for themselves and their families. Truly Washington is the very spot in which to establish a great political Treasury Bank, and here it will flourish in the utmost perfection.

But let us proceed one step further. As if for the very purpose of placing these Directors more effectually under the control of the President, their number has been reduced to nine. Nine, sir, only nine is the number. The first Bank of the United States had twenty-five directors, and the Executive appointed none of them. It was said, and truly said, that the Government, notwithstanding, exercised an undue influence over this Bank; but before they could obtain it, they were obliged to propitiate at least thirteen of these twenty-five directors. The number afforded some security against Executive influence. The second Bank of the United States had also twenty-five directors, one-fifth of whom were appointed by the President; but still eight of those

elected by the stockholders must be gained over to the Government in order to obtain a majority. As if for the very purpose of rendering this Bank a mere Government machine which will work easily, the number of Directors has been reduced to nine. I do not say that this was the intention; but such must be the inevitable effect. When we consider that these nine directors are to be permanently established here, under the very eye of the Executive, it must be admitted by all, that there never was a better contrivance for making this a mere rotten borough political Bank, to be used for his benefit and at his pleasure throughout the Union, whenever occasion may require. But nine solitary directors! And what else? One-third of these,—instead of one-fifth as formerly, are to be appointed by the President. They will be his own dependent creatures and directly under his own control. In our former Banks, the directors received no salary. It was supposed that they would be men of business, owning stock in the institution, who would give their time and services to promote its interest and thus to benefit themselves, as well as the community of which they were members. But in this Bank the directors will be salaried officers, and three of them may be dependent for the bread which feeds their wives and their children, on the will of the President of the United States. If he can obtain but two of the directors elected by the stockholders, he will then have a majority of the board. In this he will encounter no difficulty. Wealth and power are ever ready to rush into each other's arms; and the Bank and the President will act in harmonious unison. For these reasons, I most solemnly declare that I believe the project of a Fiscal Bank, reported to the Senate by the Secretary of the Treasury, to be the very worst and most dangerous exercise of the power claimed to create a Bank which has ever been attempted under this Government. I do not say that it is the most unconstitutional; but this is only because there can be no degrees of unconstitutionality. Viewing the practical evils which would flow from such a Treasury Bank, should it be called into existence, it defies all comparison with any former Bank. I am sorry the Senator from Kentucky ever yielded his consent to it so far as he has done. Let this city be the place of its location, and you make it from necessity the Bank of politicians and not of business men.

In the days of Jackson we have witnessed the exception, not the rule. Then the money power arrayed itself against the political power, and the struggle was tremendous. Nothing but

the unexampled personal popularity of this great man decided the contest in his favor. But these two powers will never again assume a hostile attitude towards each other. It is their mutual interest to cultivate the closest alliance. Henceforward, the money power may play the part of Warwick in setting up kings; but it will never attempt to pull them down. It will always be the fast friend of the existing dynasty.

Why, sir, the very power which the Senator from Kentucky has conferred upon the Secretary of the Treasury to examine the accounts of private individuals with the Bank, so far from being a restriction upon it beneficial to the public, will only prove to be a new source of Executive influence. This examination is virtually confined to the Secretary or his agent; because the occasions will be extraordinary and will scarcely ever occur until the mischief has been actually done, when either House of Congress or a meeting of the stockholders will appoint a committee for the purpose of making such an examination. The Secretary, and he alone, will thus have it in his power to examine or not to examine, to conceal or to disclose the condition of the Bank according to his pleasure. Should there be any thing wrong in its management, as from its very nature there must and will be, what an influence over the Bank this power will confer upon him!

Whilst the power of examining private accounts is virtually given to the Secretary alone, the stockholder who is a partner in the concern, and perhaps interested to the whole amount of his fortune, has been excluded from the exercise of his right, privilege I will not call it, by a solemn vote of the Senate. When I first read the Senator's report, and before I had examined his bill, I was disposed to admit that he had at least introduced one excellent restriction, that of publicity, into his charter; but when I discovered that this publicity was in fact confined to the Secretary of the Treasury, whose daily associates "in the groves of the Capitol" will be the nine Bank Directors stationed in this city, I was compelled to change my opinion. I then at once decided that this restriction, like all the rest, was one in name and in name only.

If you will afford real publicity—if you will make known to those interested, who are the borrowers from the Bank, and the amount borrowed by each; whilst you thus inflict no real injury upon it or upon any of its honest and solvent customers, you will impose a most salutary restriction upon its operations.

The true condition of a Bank can never be ascertained except from the character and circumstances of the men who have borrowed its money. To exclude the note holders and the stockholders from this knowledge, and to constitute the Secretary of the Treasury, who may have no interest in the pecuniary condition of the Bank, its sole examiner, will in practice prove to be no efficient restriction whatever. Had real publicity been required under the charter of the late Bank, thousands of widows and orphans would have been saved from ruin by its mismanagement.

Now, sir, what power will these nine directors, one-third of whom will be the dependent creatures of the President, exercise? Within the broad limits of the charter their will is law. They can establish branches where they please, and remove them when they think proper. On them is conferred the patronage of appointing all the directors and all the other officers of all the branches throughout the whole extent of the Union. But all this vast patronage will amount to nothing compared with the power which is claimed for the Bank by its friends. If this exist, these nine Washington city directors will possess the power to make money plenty, or make money scarce, over the whole land; the power to make men rich to-day and poor to-morrow, and the power, by expanding or contracting their issues, to raise or to depress the price of real and personal estate throughout the Union. These are powers which cannot safely be entrusted to any directory of mortal men; especially to men who must, from the nature of their condition, be partisan politicians. Sir, if you desire that these vast powers shall be exercised with any regard to the safety of the people, you will act as your fathers have done before you; you will place this Bank at Philadelphia or New York; and put it under the control of practical merchants and men of business, and not in this city, under the control of these nine pensioned directors. If this be the seat of Bank power, whenever a panic in the money market may become necessary to accomplish a political object, a panic will be created. Whenever, in order to effect any purpose, it may become necessary to convince us that we are the most miserable and oppressed people upon the face of the earth, these nine directors will be at hand to turn the screw to the proper point of agony. On the other hand, when the President may desire to satisfy the people, before an election, of the benevolence and wisdom of his Administration, a case which may ere long occur,

the screws will then be removed from the patient—paper money will then be issued in floods—a fictitious prosperity will pervade the whole land, and from the groves of the Capitol the exclamation will spread over the Union: "Lo! how prosperous and happy our Government makes us." I think, then, I have established the position that this will be a Government Bank to all intents and purposes, in regard to the controlling influence which the Executive will exercise over its directors.

What strange mutations do we witness in the conduct of public men, even within the brief space of one or two years! I very well remember that the distinguished Senator from Kentucky delivered a speech here, of two or three hours in length, and it was one of his most able and eloquent efforts, to prove that the Independent Treasury would be nothing more nor less than a Government Bank. I shall never forget the title page of this speech. Upon it the heads of his argument, in large letters, were presented in advance to the reader, all uniting in the conclusion that the Independent Treasury would be a Government Bank. If he had succeeded in demonstrating this fact, it would have been a conclusive argument against the measure, and it ought to have been condemned and denounced by all mankind; because, under a free Government, the money power and the political power can never be safely united. The Senator was then hard pushed to find any thing in the bill on which to base his argument. To what provision of it, think ye, he resorted for this purpose? Why, "forsooth," (as the Senator from New Hampshire [Mr. Woodbury] would say,) to that which authorized the Treasurer of the United States to draw drafts upon the depositories of the public money in payment of debts due to individuals. Although this practice had existed ever since the origin of the Government, and must necessarily continue to exist until its end, yet this was the provision which the Senator seized upon as the charter of his Government Bank. He said the Treasurer might abuse his trust, and, under the direction of the Secretary of the Treasury, might prepare such drafts at Washington in the form of bank notes of different denominations, and pay them out to the public creditors: and they would then go into the circulation of the country. Although this abuse was rendered impossible by the express provisions of the bill itself, yet the Senator was compelled to adhere to it as the only provision which offered him the slightest pretext for his argument.

But does he not perceive that even if his argument were

admitted to be correct, this would have been a Government Bank merely for the purpose of affording a circulation? And yet strange as it may seem, the Senator himself is now the great advocate of a Government Bank, not only of circulation, but of discount and deposit, and of every other attribute which can connect it with the Executive power. It is even declared by the bill that the public money in its vaults "shall be taken and deemed to be in the Treasury of the United States." The mere name had terrors for him two years ago, which the thing itself, in all its odious deformity, now fails to inspire.

According to my definition of a Government Bank, I proceed, in the second place, to show that the stock of this Bank will be chiefly owned by the Government, and that its surplus profits, beyond a limited dividend to private stockholders, will all belong to the Government. The banks of England and of France, to which we have been referred, are exclusively the property of private stockholders. These monarchical Governments do not hold a dollar's worth of stock in their own banks. They leave the management and control of them to the private stockholders. Not so with our Republican Government. We are unwilling to confide this trust to the people who may desire to invest their money in this stock; and, therefore, according to the terms of the charter, the Government must subscribe ten millions of dollars, or one third of the capital. The Senator from Kentucky fearing, and justly fearing, that the whole of the remaining twenty millions might not all be taken by individuals, has inserted a provision in the charter that "if the deficiency do not exceed one third," "the residue shall be subscribed for by the Secretary of the Treasury, on behalf of the United States." This residue may, therefore, amount to $6,666,666. In all human probability, as I shall show hereafter, the Government will not only own the one third, but more than the one half of the whole capital of the Bank.

But how shall we obtain the money to make the investment? At this age of the world we are actually to go in debt to buy Bank stock! We are to borrow sixteen millions and a half of dollars, and the greater part of it from Europe, not redeemable until after fifteen years; we are to create this debt, and fasten it as a lien on the trade and industry of the people of this country, to buy Bank stock! Excellent investment! Most wise financiering! I do not believe that the Senator from Kentucky will ever invest his own money, much less borrow money to invest

in the stock of this Bank. I would be very sorry, for his sake, if he should do either the one or the other.

When General Jackson's administration had by its wise economy discharged the last dollar of our national debt, there was a general jubilee throughout the country. Every American citizen, no matter how humble might have been his condition, felt more proud of his native land. And why? Because it was free from debt, and in this respect presented a striking contrast with all other Governments on the face of the earth. Now this proud, elevated and ennobling distinction is to be abandoned, and that forever, for the sake of buying bank stock! It would be bad enough in all conscience to make this purchase if we had the money in the Treasury to pay for it; but to run in debt sixteen millions and a half for such a purpose does appear to me to be the most supremely ridiculous policy which was ever pursued by any people. This is financiering worthy of the head of the Treasury Department whose annual report no Senator has yet even attempted to justify except the gallant and able Senator from Maine, [Mr. Evans.] In this attempt he stood alone, unaided by any of his political friends. (Mr. Benton. And was exhausted from the effort.) No, sir, (continued Mr. Buchanan) he is not exhausted; but will again, I trust, undertake to defend the report. His abilities will be severely taxed for this purpose when the twelve million loan bill shall reach us from the other House.

Yes, sir, we shall be compelled to take, not only ten, but sixteen millions and a half of this stock. I admit it is possible that men may be found to subscribe the remaining thirteen millions and a half, and become the partners of the United States to that amount; but if they should, they will not be the strong and prudent capitalists of the country, but speculators and individuals who want to borrow and not to lend, and who will enter the concern for the purpose of enriching themselves, by obtaining the use of the people's money deposited with the Bank. Why, sir, bank stock has gone down everywhere. The age of safe or profitable investment in such stock has passed away. The days when banks were managed for the benefit of their stockholders are with the years beyond the flood. The dividends are now small, when any are made. And why? Because the stockholders are plundered by the directors and officers of the Bank, and their money is squandered upon speculators and favorites. No prudent capitalist now buys bank stock; and above all, he

will keep clear of stock in this great political machine which we are about to create.

We are to charter this new Bank without receiving any bonus. The late Bank gave us a million and a half of dollars for the privileges conferred by its twenty years' charter. This was a cheap purchase on the part of the Bank. One and a half millions was a small bonus, whether we consider the value of the privileges which the people surrendered, or the advantages which the charter conferred upon those, I do not, of course, mean the stockholders, for whose benefit the Bank was conducted. This sum would now go far in erecting fortifications, and placing our country in a proper attitude of defence. But the committee have determined not to accept any bonus from the new Bank; and the Senator from Kentucky has given us the reasons for this determination. And in the first place, he says, that bonus sounds like another word beginning with a B, meaning bribery, I suppose, and therefore because the words bonus and bribery begin with the same letter of the alphabet, the people are to be deprived of one and a half millions of dollars. This fancy of the Senator will cost them dear.

But the Senator gives us another reason for demanding no bonus. He says we shall borrow the money to buy our Bank stock at five per cent.; whilst the dividend we shall receive upon it will be seven per cent. Here, then, is a difference in our favor of two per cent.; and this will be bonus enough.

The first Bank of the United States went into operation with great advantages. There were then but three banks in existence throughout the Union. Although it did interfere in the politics of the country, it was governed by prudent and wise men, who had a view to the interest of the stockholders. The Senator from Kentucky says that this Bank divided, on an average, more than eight per cent. during the whole period of its charter. Although such dividends were made, yet the real profits received by the stockholders on their investment but little exceeded seven per cent. This reduction was occasioned by the loss of interest sustained in winding up the concern. I have the documents before me to establish this fact. I shall not read them; but will most cheerfully submit them to the examination of any Senator.

But I marvel, sir, whilst the Senator from Kentucky told us what the first Bank of the United States divided, that he had not given us some information in regard to the dividends of the

second or late Bank. I shall supply this deficiency. This Bank, during the period of its existence under the charter from Congress, was, in the opinion of the Senator, the beau ideal of a National Bank. Wisdom and prudence presided in its counsels, and it was managed to perfection. It furnished the best currency which the world ever saw, and, in the opinion of Senators on this side of the House, was a great blessing to the whole people of the Union. What did it divide? I answer, on an average, but a very small fraction over five per cent. and one quarter. I do not speak of the period since it became a State institution, but confine myself to the time during which it was a National Bank. I have also the documents before me to verify the truth of this statement, and they are subject to the inspection of the Senator from Kentucky. And I speak not now of the large portion of the capital of this Bank which was squandered whilst it was acting under its charter from Congress. And yet the people of the United States are to grant exclusive privileges to this new Bank during a period of twenty years without any bonus, on account of the two per cent. which we are to receive in Bank dividends above the five per cent. interest which we must pay to foreign and domestic capitalists, for the money which we shall borrow to enable us to make this very wise investment.

Mr. Clay. Will the Senator allow me one moment? What I said was that I disliked a bonus: but that we got bonus or compensation in the excess of the dividend beyond the seven per cent. which we were to put into the Treasury of the United States. I never said that the difference between the five and the seven per cent. was to be the bonus; but I urged this to prove that it was no bad bargain on the part of the Government, and in regard to the bonus, that we got that in payment of it which was beyond the dividend of seven per cent.

Mr. Buchanan resumed. I should be sorry to misunderstand the Senator; and even from his own explanation, I have misunderstood him in terms rather than in substance. In that portion of his argument relating to a bonus he spoke of the profit which we should derive from borrowing money at five per cent. and receiving dividends at the rate of seven per cent. It now seems that the equivalent for a bonus is to be, not this difference of two per cent., but the surplus profits beyond a dividend of seven per cent. which the Bank is to pay into the Treasury. This is even a still more forlorn hope for a bonus than I had imagined. The poor girl in the fable, with the basket of eggs

upon her head, never, in my judgment, made a more extravagant calculation. I shall arrive at the point which relates to these surplus profits presently; but will in the meantime proceed with my argument. Before I leave this branch of the subject, however, let me ask the Senator, even if this new bank should be conducted with the same ability as that of the old, which doubtless, in his opinion, would be a difficult task, what becomes of the two per cent. fund on which he calculates? It is gone—gone: and the surplus beyond it, which is to be his bonus, is in a still more desperate condition.

The Senator informs us that this bank stock will be readily taken; and why? He says there is a great deal of unemployed capital in the country which is now seeking a safe and profitable investment; and this is doubtless the fact. But why has this capital remained unemployed? It is solely on account of this special session of Congress. Had business been permitted to flow in its regular channels; had the agitation of a Bank of the United States been suspended; and had the country been blest with a short season of repose, capitalists would ere this have invested their money in such a manner as to benefit themselves and promote the prosperity of the whole people. It is this eternal political agitation—this never-ceasing party struggle to which the called session has imparted new vigor—that has locked up capital everywhere and has prevented it from being usefully and profitably employed. Men of business can now make no calculations in advance. Every thing in the future is shrouded in uncertainty and gloom.

But will the real capital of the country seek an investment in this Bank? No, sir, never. I will tell you the investment which it will seek. The Senator, if he had intended to force this unemployed capital into the Bank, ought not to have created a Government loan to come in competition with his Bank stock. This five per cent. loan of sixteen millions and a half will be preferred by capitalists. He himself has thus furnished a much better and infinitely more secure investment than the stock of his Fiscal Bank. If, in addition to this loan, and for the purpose of carrying out the farce that the late Administration has left the country in debt sixteen millions of dollars, we should borrow twelve millions more in order to pay this imaginary debt, the whole would then amount to nearly twenty-nine millions of dollars. This sum will be more than sufficient to absorb all the dormant capital in the country; and it will be the very best and safest investment

which any man can make. I declare most solemnly that I would rather be the owner of one hundred thousand dollars of this United States five per cent. loan, than to hold two hundred thousand dollars of stock in the Bank if I were obliged to keep it for fifteen years. I should not hesitate a single moment in making the choice. I know the stock will become a subject of gambling speculation, and that it may be raised above par in the market; but in the end it will probably sink as low as the stock of the late Bank has already done, to the destruction of the credulous and unsuspecting. Whilst speculators may enrich themselves by its purchase and sale, at the last the Bank will fall, as the late Bank has already fallen, and as every Bank must fall which abandons its own proper business for the purpose of engaging in the politics of the country. This Bank, from the necessity imposed upon it by the law of its existence, must be a political Bank from the very beginning.

The Senator has presented us with a list of restrictions in the charter of this Bank which he thinks will work wonders in restraining it within proper limits. Restrictions! you might as well attempt "to tether flame with flaxen brand," as to bind a Bank of the United States by paper restrictions. To what restrictions did the late Bank ever submit from its origin until its end, when any strong interest impelled it to violate them? I shall not now trouble the Senate with a list of such violations of its charter. The truth is, that the directors of such a Bank well know, that after it has got fairly into operation, its sudden destruction would inflict so many evils upon the country, that they will always calculate upon impunity for their misconduct. I should, therefore, esteem the restrictions imposed upon this Bank as of but little importance, even if they were wise and salutary in themselves. There is but one of them, however, of the least value, even if they should be regarded by the Bank, and that has been derived from what the Senator would call the odious Sub-Treasury law. Under that law, for the first time in our history, public defaulters were subjected to criminal punishment. Their offence was declared to be a felony, and they were punishable by fine and imprisonment. I declare that I can see no restriction in the bill, calculated to have the slightest practical or beneficial effect in favor either of the Government or the public, except the application of this penal principle, borrowed from the Independent Treasury law, to the officers of the Bank. I

admit that this is very good so far as it goes, and therefore, thus far, I recall the declaration which I have made, that this bill does not contain a single practical restriction.

As to the limitation of the dividends to seven per cent. per annum, I think I have conclusively shown, from the experience of the two Banks which have already existed, that they will never reach this amount. The last Bank divided but little more than five per cent. and a quarter, and the first Bank, with all its peculiar advantages, which no Bank at the present day can enjoy, divided in fact but a small fraction over seven and a quarter per cent.

[Mr. Clay. Eight per cent.]

Mr. Buchanan. I have already admitted that the dividends declared, during the twenty years which the old Bank existed, amounted on an average to eight per cent.; but I have shown that it occupied more than thirteen years in winding up, and after deducting the interest which the stockholders lost upon their capital during this period, their average profits were reduced to a very small fraction more than seven and a quarter per cent. I repeat that the document from which I extract this information is before me for the use of the Senator.

Now whilst it is my belief that the Bank never can and never will divide any thing like seven per cent. on an average, and that, therefore, this will be no restriction, yet if I should even prove to be mistaken, I would not consider this restriction as any real limitation upon its business. If the Senator, by his bill, had confined the business of the Bank in such a manner that it could not possibly make greater or much greater profits than seven per cent., this might have operated as a restriction to that extent. But merely to restrict its dividends, without any corresponding restriction of its business, will produce little or no practical effect. It will expand its loans and its issues as far as it can within the limits of its charter, upon the pretence of creating a surplus to be paid into the Treasury of the United States. But when have banks ever paid such a surplus to any Government? This surplus, should any such ever exist, instead of reaching the Treasury, will be a most desirable contingent fund for politicians. It will be inscribed upon what is technically called the line of suspended debt, in a similar manner with the ten millions of suspended debt due the present Bank of the United States of Pennsylvania. That list of favored borrowers has never yet seen the light; neither will any similar list of borrowers from this new Bank, if you shall

adopt no other provisions in regard to publicity, except those now contained in the bill.

The Senator from Kentucky authorizes the Bank to contract debts to the amount of twenty-five millions of dollars over and above its deposits, and calls this a restriction. Nay, more, deeming this too severe, he moved to strike out twenty-five, and insert thirty millions; but wonderful as it may seem, he failed in the motion.

Now, is there any man in the country at all acquainted with the business of banking, who believes this to be any practical restriction? The late Bank of the United States, whose capital was thirty-five millions of dollars, even with all its extravagance, never had a circulation, at any one time, of more than twenty millions; and it rose to that amount but for a single year. Its average circulation during the whole period of its existence, amounted to about eleven or between eleven and twelve millions. And yet Senators talk of confining their new Bank, with a capital of thirty millions, to twenty-five millions of circulation, as if this would prove to be a most efficient restriction on its business. That is, by way of restriction, the new Bank, with a capital five millions less, is permitted to issue paper to more than double the average amount of the circulation of the old Bank.

In this statement, I take it for granted that the amount of debts contracted by the Bank over and above its deposits will be almost exclusively for bank notes in circulation. A bank ought always to be a lender, never a borrower of money. It was borrowing money abroad, as much as any other cause, which first crippled, and afterwards destroyed the Bank of the United States. Had the Senator from Kentucky examined carefully the history of this Bank, and investigated the causes of its ruin, he never would have conferred upon his new Bank the very same power to borrow money which existed under the old charter. I hope this power may yet be stricken out of the present bill.

But again: there is another restriction on this Bank which the Senator deems important. It is prohibited from loaning more than seventy-five per cent. beyond the amount of its capital, or, in other words, the debts due to it at any one time shall never exceed that amount. Thus, with a capital of thirty millions, it is permitted to loan fifty-two millions and a half of dollars. And this is deemed a wise and salutary restriction! Why, sir, the banking system of the United States, in the aggregate, consisting of more than nine hundred banks, scattered over the country,

has scarcely ever, even in the days of its greatest extravagance, made loans to the amount of seventy-five per cent. more than its capital. In the two extravagant years of 1836 and 1837, the Bank loans a little exceeded this proportion; but, with that exception, they have greatly fallen short of it, ever since the year 1830. Thus it appears that the restriction which the Senator from Kentucky would impose on the loans of his Bank, will indulge it to a point which has scarcely ever been attained by our banking system as a whole, even in the days of the wildest speculation. To find such an example, we must look to the two worst years of extravagant Bank expansion which we have witnessed in our time. And yet this new Bank is to be the prudent and powerful regulator which will confine the business of our whole State banking system within proper limits.

You will thus perceive that this Bank, within the limits of its charter, may realize ten and one half per cent. upon its capital merely by discounting notes. For example: it may loan fifty-two millions and one-half at six per cent. which is equal to ten and a half per cent. on thirty millions, the amount of its capital. But this is not all. It will deal extensively in foreign and domestic bills of exchange, on which the premium is not, and probably cannot be, fixed by law. On the money invested in this portion of its business it will receive a much greater interest than six per cent. It would not, therefore, be too much to say that, within the restrictions of its charter, it may make twelve instead of seven per cent. per annum on the amount of its capital. But will this surplus ever reach the Treasury? No, sir, it never will. On the contrary, it will scarcely be sufficient to cover the losses which must be sustained by this political Bank in loaning money to trading politicians and speculators, without estimating the amount of plunder which the Bank officers may appropriate to themselves. This surplus will never reach the Treasury, but will become the fund for these very purposes; and it will probably prove by no means sufficient. If, therefore, you intend to impose any practical restriction, which will be useful to the public, by limiting the dividends to seven per cent. you ought to limit the business of the Bank in something like the same proportion. Considering the losses to which it must be exposed, I venture to predict that, let it expand as much as it can, and yet it will never divide six per cent. on an average.

But there is still another restriction on which I desire to say a few words. I mean that which prohibits the Bank from making

new discounts or loans, "when the notes in circulation exceed three times the amount of specie in its vaults."

The chief consideration which could induce any wise Government to grant banking privileges, is that the public may enjoy a paper circulation at all times convertible into specie. This is the only direct interest which a vast majority of the people have in banks. That restriction, then, which would first strike every mind as necessary to secure this advantage, is that each bank should be compelled by its charter always to keep such a fair proportion of gold and silver in its vaults in proportion to its immediate liabilities, or in other words, to its circulation and deposits, as experience has shown to be necessary to enable it to continue the payment of specie in the worst of times. But this is the very restriction to which no bank will submit if it can possibly avoid it. They will agree to all other restrictions in preference, and will continue to resist this to the very last. And yet this is the touchstone which separates the alloy from the pure gold. Without a certain, reasonable and fixed proportion of gold and silver in the vaults of a bank compared with its circulation and deposits, the public have no security against the suspension of specie payments. A bank may be perfectly sound and able eventually to pay all its debts; and yet not have one dollar of gold and silver in its vaults. Its eventual ability to meet its engagements depends upon the eventual solvency of those who have borrowed its money. But the ability of a Bank at all times to redeem its notes and deposits in specie depends upon the amount of specie at all times in its vaults. The experience of banks in this and in all other countries, has demonstrated the necessity of such a restriction. Has the Senator from Kentucky acted upon this principle in preparing his bill? The bill requires the Bank to keep on hand one dollar in specie for three of its circulation, leaving out the deposits altogether; and fearing lest even this might prove to be too severe a restriction, he has actually moved to strike it out. Now, sir, I would not give a button for that restriction.

The circulation of the Bank of the United States will be nothing when compared with its deposits. The great commercial business of the country is transacted almost exclusively without the use of bank notes. When a merchant borrows one hundred thousand dollars from a bank in the city of New York, he has it placed to his credit on the books of the bank. He pays his debts with this bank credit, without the use of any bank notes

whatever, by giving checks to each of his creditors. These bank checks, founded upon bank deposits, and not bank notes, constitute, in a great degree, the commercial circulation of the country. Why then did the Senator from Kentucky, in preparing his bill, require the Bank to keep no proportion of specie whatever to meet these deposits? They are immediate liabilities of the Bank as much as bank notes; and payment of them in gold and silver may be demanded in large masses, equal to two, three, or four times the whole amount of the circulation. And yet the Senator, by his bill, has excluded these deposits altogether; and he now desires to get clear even of the restriction requiring the Bank to keep one dollar in specie for three of its circulation.

According to the testimony of Mr. Horsley Palmer, the late Governor of the Bank of England, before a committee of the House of Commons, "The average proportion of the coin and bullion which the Bank thinks it prudent to keep on hand is at the rate of a third of the total amount of all her liabilities, including deposits as well as issues;" and we ought to require our new Bank always to keep on hand, at the very least, this proportion of specie, if we intend that it shall always remain a specie-paying Bank.

Another restriction has been imposed upon the parent Bank in this city. This Bank is to be prohibited from discounting altogether; because, says the Senator, if it were permitted to make loans here, it would afford too great a facility to members of Congress and officers of the Government in borrowing money. If this were the object, why did not the bill declare, in express terms, that members of Congress and officers of the Government should never receive a loan from the Bank, or any of its branches? This would have been the only preventive capable of producing the slightest effect. Does any person really suppose that the distance between this city and Philadelphia will prevent any member of Congress from making such a loan? But there will be a still more convenient branch at Baltimore, within two hours of us, to which we can resort. My life upon the issue, that if ever the secrets of the charnel-house at Philadelphia should meet the light of day, it will be found that thousands and hundreds of thousands, and even millions of money of the Bank have found their way into the pockets of your public men and members of Congress, notwithstanding the distance. I have received information on the subject, which I do not feel myself at liberty to disclose; but what the present President of the United States

has published in his report, in regard to the indebtedness of members of Congress to the late Bank, is known to the world. And here permit me to say that I was rejoiced to learn from such high authority as the Senator from Virginia [Mr. Rives] that if there was any one man in the country more committed against a Bank of the United States, than any other man, it was our present President. This declaration has inspired me with hope in the future. No, sir, instead of the distance to Philadelphia or Baltimore presenting any obstacle in the way of members of Congress and officers of the Government, the present bill will greatly facilitate their accommodation by bringing home to this city the nine all-powerful directors of the parent bank. Private friendship and political sympathy between our public men and these directors will produce many such epistles as the following to the directors of the branches in Baltimore and Philadelphia: "Please to make a loan of fifty or a hundred thousand dollars to the bearer." The romantic walks in the groves of the Capitol, with bank directors, will be admirably calculated to produce this effect; and in a few years we may find as long a list of suspended debts of politicians in the new Bank, as already exists in the old. So much for this restriction.

I had intended to make some remarks against granting to this Bank the power of dealing in foreign exchange. The exercise of this power contributed much to the ruin of the late Bank. But I forbear for the present. The Secretary of the Treasury, in his projet, deprives the Bank of this power; and the removal of this restriction, is, in my opinion, the only particular in which that projet has not been improved by the Committee on the Currency.

Am I then right, Mr. President, in declaring, and I appeal to you as a gentleman well acquainted with banking, (Mr. Bayard of Delaware then occupied the chair,) that this bill throughout contains not a single efficient practical restriction upon the business of the bank, or one which would be regarded as such by any man who understands the subject? No surplus will ever reach the Treasury—never.

I need not dwell upon the remaining particular constituting this a Government Bank: which is that it will receive upon deposit all the public money of the people of the United States, to be loaned out at pleasure for its benefit, without any restriction whatever on this privilege.

Then, sir, this is the real Government Bank—the directors

controlled by the Government; the greater portion of the stock held by the Government; the surplus profits, if any, given to the Government; and the most profitable business of the Bank founded upon the use of the money of the Government. And why should such a charter have been offered to Congress by the Treasury Department? I shall not say that it was concocted there for the express purpose of creating a mere engine or instrument of political power; but if Talleyrand himself had been as great a financier as he was a diplomatist, he could not have devised a charter more completely adapted to effect this purpose than the bill now before us presents. The influence of this machine, located at Washington, under the eye of the Government, will be felt everywhere throughout the Union.

I may be asked, as I have spoken so strongly against this city as the location of the Bank, where I should desire to have it established. I answer at once, either in Philadelphia or New York; and I should prefer Philadelphia.

It is very cruel for gentlemen to sneer at Philadelphia in its misfortunes. I honestly believe that much of the extravagance and folly of the late President of the Bank, in conducting its affairs, may be fairly set down to the incense offered to his vanity in this very chamber. What was said of him by Senators here was sufficient to turn the head of almost any man. He was induced to believe that he was the Atlas on whose shoulders the financial Government of the world rested. Such was his ability and power, in the opinion of a distinguished Senator, that had he been appointed Secretary of the Treasury in 1837, whilst we were suffering in common with all civilized nations, from the revulsion in business which was felt over the whole globe, he would have relieved us from our embarrassments, and produced a revival of business and a resumption of specie payments within the short space of sixty days.

I never flattered him in his prosperity, and I shall not attack him in his adversity. I think he is as good in every particular as the two or three directors who have been holding him up to public execration. I believe that by far the greater part, if not all, that they have said of each other, is true. I give equal credit to all their statements, and, in my estimation, these gentlemen all deserve to be placed on the same level. And let me say, that there are men in Philadelphia now passing for saints, who were directors in this Bank some time before its explosion; —who knew its condition perfectly, and yet not only concealed

heir knowledge from the world, but sold out their stock at high prices, which were maintained upon the faith reposed by the public in their integrity and judgment;—such men, in my opinion, are just as bad as the worst of those who continued to be directors until the end. Their consciences will never be disturbed by the tears and groans of the widows and orphans whom they have ruined.

But I say Philadelphia or New York is the proper place for the Bank; and it is very hard that Philadelphia should be denounced here in such terms. Why, sir, the Almighty would have spared Sodom if five righteous men could have been found there: and shall man be more terrible in his judgments than infinite purity? I believe, from a knowledge of the character of the people, that there is no city on the seaboard of the United States which contains a greater number of intelligent, respectable, incorruptible, and faithful merchants, fit in every respect to be the directors of such an institution, than the city of Philadelphia. No, sir; I shall never sit silent under sneers and attacks against that city, although it has ever been hostile to me since I entered into public life. But if you will not establish the Bank there, then let it be located in New York.

The idea of establishing a National Bank in the city of Washington, with a view of regulating the currency and business of the country, seems to be truly absurd. The location of such a Bank ought to be in a commercial city, where its directors would have the opportunity of observing carefully the state both of our foreign and domestic trade. After long experience, sound practical men in England have arrived at the conclusion that the issues of a National Bank ought to be regulated by the state of the foreign exchanges. When the directors find that these exchanges either are or probably soon will be against the country, in consequence of a redundancy in the circulating medium, then the issues of bank paper ought to be contracted to such a degree as to arrest or correct the evil, and to prevent the exportation of specie. This important duty can alone be safely devolved upon men of ability and skill who are practically acquainted with our foreign trade, who are able to anticipate its fluctuations, and who are placed on a suitable theatre of observation, such as Philadelphia or New York. Your nine salaried directors in this city will be politicians and not merchants, bankers, or other practical men; and even if they were, this is not a spot from whence they could watch the current of foreign trade, or where they could obtain

the necessary information. In regard to the cliques of speculators in Wall street and Chestnut street, of which we have heard, bad as they are, I think that a clique of trading politicians in Washington city would make still worse directors of a National Bank.

[Mr. Benton. We will have both.]

I now come to speak very briefly of some of the advantages which the committee believe that this Bank will yield to the people of the country. And first, they say, "It will give the people a sound currency of uniform value throughout the Union." If by this the Senator merely means that a man can put its paper in his pocket in Georgia, and use it anywhere on the road in travelling to Maine, I have no doubt that such will be the fact. And why? Because the Government of the United States, by agreeing everywhere to accept the Bank paper in payment of its dues, gives it everywhere circulation and credit. They could thus give to painted pasteboard the same currency. It is not the credit of the Bank, but that of the Government, which will produce this effect. The drafts of the Treasury Bank, which the Senator formerly so much dreaded, would have answered the same purpose still better, and would have been of much greater intrinsic value, because they would have represented gold and silver, dollar for dollar. Besides, the bank which the Senator's fancy created out of the Independent Treasury law, would have been only a bank of issue, and not one of discount and deposit also, such as he now advocates.

But the committee further allege, that this Bank "will reduce domestic exchanges from the enormous premiums and discounts now frequently paid, to the moderate standard growing out of the mere cost and insurance on the risk of transporting specie from one to another part of the Union."

This argument has been everywhere urged, and often successfully, in favor of creating a Bank of the United States; and yet, to use the word of the Senator from Missouri, [Mr. Benton,] it is the most "bamboozling" argument that ever was resorted to. On 'Change in Philadelphia or New York, there is nobody so soft as not to smile at its absurdity. Why, sir, the rates of exchange between money and money, in the different cities of the Union, are at this very moment just as the Senator desires they should be. In New Orleans, gold and silver will, at this very day, buy a bill on New York at a premium of from one-half to one per cent. Who does not perceive that it is the depreciation on suspended bank paper, and not the real difference of exchange,

which you see quoted in all the papers and blazoned forth to the world as if intended for the express purpose of imposing on the public? In Philadelphia, the notes, for example, of the Bank of Pennsylvania are worth about three and a half per cent. less than specie; therefore, at New York the exchange on Philadelphia is quoted at three and a half per cent. discount: but is it not self-evident that this is the rate of exchange, not between money and money, but between gold and silver in New York and depreciated bank paper in Philadelphia? From the nature of trade, unless under very extraordinary circumstances, the difference of exchange between two places in the same country, can never vary much from the cost of transporting specie from the one to the other. Some years ago, the bills of the Commonwealth's Bank of Kentucky were at a discount of fifty per cent. below specie: and, doubtless, exchange on Kentucky was then quoted at fifty per cent. below par. But this was the depreciation of the bank paper, and not the difference in value between *money* in New York and *money* at Lexington, which can never be much greater than the expense of transporting it from the one place to the other.

If banks were everywhere in good credit, and were redeeming their notes in specie, then these notes would be equal to gold and silver at the place where they were issued; and the great apparent inequality in the rates of exchange would immediately disappear. The quotations would no longer consist of the contrast between the value of specie in New York and depreciated bank paper at home; but would be the difference between the value of specie and specie at different places. This inequality in the nominal rates of exchange would at once disappear, if you could restore specie payments throughout the Union.

But if the banks should all pay specie to-morrow, we have no security whatever that they would not, organized as they are at present, soon again suspend. There are two restrictions which, if imposed upon them, would always insure a sound bank note currency to the people of the United States, and prevent future suspensions. First, if you would render them able at all times to pay specie, you must require that they shall at all times keep on hand at least one dollar of gold and silver for every three dollars of their deposits and circulation combined. But this alone might not prove sufficient. They might possess the ability to pay, without the will. To secure this, you must impose another restriction, which will prove to be an infallible preventive of

suspension. Declare in the charter of each Bank, by a self-executing provision, which nothing can arrest, that the moment it suspends specie payments it shall "die the death." "In the day that thou eatest thereof thou shalt surely die." Render it the irreversible, organic law of each bank's existence that a suspension of specie payments shall produce its civil death; and the instinct of self-preservation will then compel it to perform its duties in such a manner as to preserve its life. Upon this principle, a bankrupt law applied to banks would do more in securing a sound currency for the people of the United States, than twenty national Banks scattered over the whole country could accomplish, even if they were disposed to exert all their power. When it was first proposed to apply a bankrupt law to banks, I felt strongly inclined to oppose it. But I am not one of those who pride themselves in their uniform consistency throughout life. Live and learn is my maxim. I trust I am wiser this year than I was the last; and that, if I live, I shall be wiser next year, or twenty years hence, than I am at present. The man who prides himself upon never having changed an opinion, proclaims himself to have been infallible from the beginning, and thus announces himself a blockhead. Any Senator, therefore, has my entire permission to ransack the old journals and prove that I voted many years ago on any subject differently from what I should do at present. I have changed my opinion in regard to a bankrupt law as applied to banks; and this because I most solemnly believe that it is the only remedy which can reach the root of the evil and secure to the people, at all times and in all places, a paper currency convertible into gold and silver.

But the committee say that this bank "will powerfully contribute to the resumption of specie payments." How will it produce such an effect? It is not sufficient that a declaration of this kind shall be made *ex cathedra* in order to command our faith. Will it be by producing a new and greatly increased demand for specie in order to furnish a capital for the bank. Ask Mr. Cheves, who is I believe the avowed author of those able numbers which have appeared in the Charleston Mercury, above the signature of "Jay," whether the late Bank of the United States contributed essentially to the resumption of specie payments, when it first went into operation, and he will answer decidedly in the negative. He ought to know this fact if it existed, because he saved the Bank from ruin at an early period of its career.

The seven millions of gold and silver which the charter re-

quires to be paid by the private stockholders before the Bank can go into operation, must be chiefly drawn from the vaults of specie-paying banks. In addition to this, the large amount which will be taken by our own citizens of the sixteen millions and a half of the bank stock loan, to say nothing of the twelve million loan, must be principally derived from the same source. The probability is, that the run which this must occasion on the specie-paying banks, will compel them to suspend. The banks already suspended will hold fast what specie they have got. Self-preservation will compel them to pursue this course. In this manner, then, the establishment of the Bank, so far from promoting a resumption of specie payments, will prolong the suspension, and may, in all human probability, render it universal. If the existing solvent banks should be able to meet the demand for specie which will thus be made upon them, it will be by such a sudden curtailment of their loans and issues as will produce ruin and distress throughout the land. Never, never, was there a more inauspicious moment than the present for establishing a Bank of the United States; and I trust that its friends will take this view of the subject into their deliberate consideration, and postpone the question at least until December. Let the general business of the country be restored; and then, and not till then, let them begin to think seriously on the subject of establishing a Bank of the United States.

But even if specie payments had been universally restored, and business were again prosperous, I deny that this Bank will ever regulate the State banks in such a manner as to prevent the ruinous expansions and contractions in our currency which have afflicted the country throughout its history, or secure us against future suspensions. This Bank would not thus restrain the State Banks if it could:—it could not if it would. On this point I shall be as brief as possible, having already occupied more of your time than I had intended.

And in the first place, this Bank will feel no disposition whatever to restrain the issues and loans of the local banks within reasonable limits. And why? Because its duty as a regulator of the currency is in direct opposition to the interest of its stockholders. If you desire to create one power for the purpose of restraining another, you must make them "antagonistical" either in point of interest or of inclination, or of both. But will you change the nature of these nine directors and make them better than other men, by placing them at the head of a National

Bank? If you cannot work this miracle, they will then feel the same interest and the same inclination with the Directors of the State Banks to expand the currency—to accommodate their favorites and friends—to make money plenty, and to increase the profits of the stockholders.

No, sir, no; in the honest opinion of my soul, so far from making these directors better, you will make them worse than other men. Stationed here at the Capitol, and under the baneful influence of highly excited political feeling, I believe they will be even less inclined to act as a restraining power than the directors of many other banks of the country. Their first impulse will be to promote their own interest, and to accommodate their friends as far as possible. And yet this is the power which you intend to establish for the purpose of controlling the government of the State banks, and preventing them from being guilty of excess. They would not do this if they could; because they will act upon the same universal law which governs all bankers and directors of banks, and impels them to extend their business and increase their profits as far as practicable.

But I say that this Bank could not restrain the State banks, even if it would; and this want of power has been recently demonstrated in England. It would be easy for me to maintain this position by arguments, *a priori*, and to prove that this Bank, with a capital of thirty millions, could not control the issues of a thousand State banks, whose combined capital is more than ten times that amount; but reasoning would be only a waste of time, when this conclusion has been established by well known facts. In 1836, the Bank of England clearly foresaw the approach of the storm which afterwards spread ruin over that country as well as this. The foreign exchanges were against England, and specie was exported. The paper currency had become so expanded, that the prices of all domestic productions were high, and consequently it was the interest of foreigners to sell every thing they could in that country, and buy as little there as possible. Under these circumstances, the Bank of England determined to put forth all its power, in order to reduce prices and restore the equilibrium of the foreign exchanges. It accordingly commenced a system of rapid curtailment of its loans and issues in the vain hope that the joint stock banks of the kingdom would be compelled to follow its example. Much to its astonishment, it found that as it contracted, they expanded; and at the end of the process there was more paper money in circulation than at its commence-

ment. So entirely satisfied are well informed men in England that their National Bank, even with a capital of seventy millions of dollars, cannot control these expansions and contractions of the currency, that they now seriously think of confining the issues of paper money to one Bank to be under the control of the Government, and of excluding all the other banks of the kingdom from the enjoyment of this privilege. And yet, in the face of this well known fact, it is seriously contended here that this Bank of thirty millions will possess the power to control the loans and issues of the thousand banks scattered over our vast country. It will do no good in this respect, but much evil.

During the period of the late Bank's existence, it was the primary and efficient cause of all the very great expansions which afflicted the country. I shall mention but one of these, though I might refer to those of 1823, 1831, and 1834. In the years 1816, 1817, and 1818, the first three years after the date of its charter, what was its course? It was a mere speculating machine. It expanded the currency to such an extent and made money so plenty that every thing rose to an enormous price. In the county where I reside, land commanded from two to four hundred dollars per acre; and in one instance I know a tract to have been sold for $1,500 per acre. The expansion of the Bank of the United States encouraged all the country banks to follow its example, and bank notes became so cheap that it required a large amount of them to purchase any article of value. The Bank thus literally stimulated the spirit of speculation to such a high degree as almost to produce a general derangement of the public mind. Such extravagance was never witnessed before.

The revulsion came, as come it always must, and the Bank, to all appearance, was in the last agony. It was then that Mr. Cheves was called to preside over it. In order to save it from destruction, he was compelled to reduce its loans and curtail its issues with unexampled rapidity; and in consequence, the years 1819, 1820, and 1821, were the most disastrous that this country has ever experienced since the Revolutionary war. There was more individual ruin—more property changed hands by forced sales—during those three years, than we have witnessed in a similar period before or since; and all attributable directly to the influence and example of this great *regulator* of the currency. In 1821, the price of flour sunk to $3.75 per barrel in Philadelphia; and as far west as the State of Ohio it scarcely commanded any price. There is no new thing under the sun, and should

this Bank ever get into successful operation, from the very law of its nature, it will follow in the footsteps of its illustrious predecessor. It will be powerful to do evil, but feeble to produce good.

The last reason which has been given by the Senator from Kentucky why we should establish a Bank of the United States, is, that other nations have National Banks, and therefore that we also ought to have such an institution. Let me say, in the first place, that other nations have no such Bank as the one which we propose to establish. The Banks of France and England belong to individuals, and no part of the stock of either is held by the Government. But, under this charter, our Republican Government is to ally its interests with those of the money power, by becoming the proprietor of more than half of the whole capital of this Bank. Does the Senator suppose that if the Bank of the United States had continued to exist under its charter from Congress until May, 1837, that it would then have weathered the storm? Far different would have been its fate. It would have been the first to fall under the revulsion of that fearful crisis; and for this very reason, that being a National Bank, its connection with England would have been more intimate and direct than that of State banks. The blow which then prostrated our banking institutions came from that country, and it would have fallen with redoubled force on a National Bank as it did on the Pennsylvania Bank of the United States, which then occupied a similar position.

Sir, other nations have emperors and kings, and titles of nobility, and established churches, as well as national banks; but is that any reason why the people of the United States should abandon their Republican principles, and imitate these foreign forms of Government? Although the Senator from Kentucky may not, and I believe does not desire such a change, yet he may virtually accomplish it sooner than he anticipates. If he can create this great National Bank, and can ally it with the Government in Washington city on terms of the closest intimacy; if he can thus concentrate the money power here, and render its interest identical with that of the political power, he may succeed in establishing for this country not a monarchy, but the very worst form of Government with which mankind has ever been cursed. A hereditary aristocracy has acquired this infamous pre-eminence; but the Government of a moneyed aristocracy would, if possible, be still worse. From interest and from habit,

a landed aristocracy has always cherished some feelings of kindness for the people; but an upstart moneyed aristocracy has no heart to feel for them, no desire to promote their welfare. It looks upon mankind as mere laboring machines for its own benefit. It never indulges in those kindly and Christian sympathies which make us feel that all men are alike created in the image of their Maker, and are brethren. This is the kind of Government which may be established by an intimate union of the political with the money power. We may approach nearer to the Governments of the old world, by establishing this Bank, than the Senator or any of his friends imagine. If this should be the case, corruption will insinuate itself into the sinews and nerves and very vitals of the body politic. The people would still attend the elections and be flattered with the idea that they still enjoyed all their liberties, whilst a secret, controlling, all-pervading influence would direct their conduct. The corpse of a free Government would then only remain, whilst the animating spirit had fled forever.

But I do not permit myself to indulge in these gloomy forebodings. I am not afraid that this Bank will ever be established; and if it ever should, the people of this country will pursue it with a steady vigilance, which will never tire until they accomplish its destruction.

REMARKS, JULY 12, 13, 14, 17, AND 21, 1841,

ON THE BILL TO INCORPORATE THE SUBSCRIBERS TO THE FISCAL BANK OF THE UNITED STATES.[1]

[July 12.] Mr. Buchanan said it was with the greatest reluctance he engaged in this debate. He had intended to offer two or three amendments to this bill before it was taken out of the committee, upon each of which he would probably make a few remarks, but nothing was further from his intention or expectation than that he should be called on to take part in any discussion which might arise on the bill to-day. But the Senator from Kentucky had denounced in the strongest terms the jacobinical doctrine of the repealability of charters. Now he (Mr. B.) contended that the power of repeal, in this particular case, existed not only under the Constitution, but was sanctioned by judicial decisions. The Supreme Court, Chief Justice Marshall presid-

[1] Cong. Globe, 27 Cong. 1 Sess. X. 186–187, 192, 197, 199, 222–223, 234, 236.

ing, had declared that in public corporations, to be employed in the administration of the Government, the right of repeal existed, but that it did not exist in private corporations. But did it require the decision of a court to establish this principle? Can Congress annihilate the sovereign legislative powers conferred upon it for the benefit of the whole people by transferring them to a corporation? If it can do this for one year, what would prevent it from doing so for fifty years, or forever? The decision of the Supreme Court was, that if the corporation were of public concern—were a grant of political power to be employed in the administration of the Government, it was subject to repeal or modification by the legislative power. This was the decision of the judiciary, and was the spirit of the Constitution, unless it could be contended that Congress had the right to divest itself of its legislative discretion, and virtually destroy itself. Is this Bank a public or private corporation? It is a Government fiscal agent, an agent of the Treasury Department, and the power to establish it is inferred from the clause in the Constitution, conferring upon Congress that high attribute of sovereign power, to lay and collect taxes from the people. Did any Government ever divest itself of the power of regulating, according to its own will, the collection, safe keeping, and disbursement of its revenue, or transfer this right irrevocably to corporations? If Congress possessed this power, they could transfer the liberties of the country to a corporation.

Mr. B. then referred to a case decided in the Supreme Court, between Goszler and the corporation of Georgetown, in support of the principle for which he contended. The Reporter understood this to be a decision that the corporation were not bound to execute an agreement into which they had entered with the lot holders by an ordinance for grading the streets, on the principle that such a gradation was a matter of public concern, regarding the interests of the citizens generally, and that, like a public law, it might be repealed. It was not a subject of private grant; and on the same principle he held we had a perfect right to repeal or modify this charter whenever we thought it proper to do so.

But while he asserted this power, he admitted that it would be an extreme case in which he would be in favor of exercising it. If this bill is to be rushed through Congress when the country is not prepared for it; when the people have not asked for it; when no question has been made before the people on the subject, and in Virginia and North Carolina, even the Whig party, in

the Presidential canvass, have taken ground against it, as witness the speech of Mr. Badger, the present Secretary of the Navy, and the address of the Whig Convention in Virginia, and that this was the fact generally he would appeal from the Senator from Kentucky to Mr. Tyler, the official head of the party: if the measure was to be adopted under such circumstances, and especially if the gag was to be applied in that body, a proper regard to the interests of those we represented would prompt us to sound the cry of repeal throughout the land, and that question will be carried unless the people of this country are willing to be transferred to the government of bank corporations.

He thought the doctrine, though an excellent one, of the inviolability of contracts, came with an ill grace from those who had, but a few months since, violated the contract of Blair and Rives, the Printers to the Senate. There was a clear and unequivocal case of contract, founded on a law of the land, the bond was signed, sealed, and delivered, and was approved of by your Secretary. And yet, in the face of all this, the Senate of the United States was faithless to its solemn contract, and Blair and Rives were dispossessed of their rights, and another Printer has since been elected.

He was firmly of the opinion that the best thing the friends of the Bank could do would be to go home, and defer the passage of the bill until the next session. Let them wait the result of the fall elections; and should there be a decided expression of the popular will in favor of the Bank, much as he was opposed to it, he would not be the first to move in the question of repeal.

Mr. Clay of Kentucky said that when the conqueror of Continental Europe, the hero of Marengo and Austerlitz, was in the zenith of his power, an old maiden lady of Baltimore expressed, in warm terms, her disapprobation of his conduct. Madam, said the Frenchman, with much gravity, to whom she was addressing her remarks, I am sorry you entertain such sentiments of the Emperor; I am sure he will be very much hurt when he hears of it. So the subscribers to the stock of this Bank would be very much hurt when they heard the opinion of the honorable Senator as to the repealability of their charter. But these threats of repeal passed him by as the idle wind; he knew it would never be attempted to carry them into execution. But if he would desire the Senator and his party to be placed in a position which, above all others, would ruin them irretrievably, it would be for them to make this a question before the free,

intelligent, and law-abiding people of this country. Here is a charter granted by Congress for twenty years, and on the faith of this pledge of Congress, individuals have been induced to invest their funds in its stock. Let them make this question, and my life on it, they will receive a more overwhelming defeat than even that of November last. It was a monstrous proposition; and it needs only to be stated, to receive the indignation of the public.

Mr. Buchanan said the statement of the Senator from Kentucky had only to be stated to meet with universal indignation and reprobation. What was the proposition? That the liberties of the nation may be bartered away without the consent of the people: that Congress can divest itself of its constitutional functions, and confer them upon a banking corporation, by a law which they could subsequently neither modify nor repeal. This was the proposition, fairly stated. The Senator says he won't argue the proposition. Sir, he can't argue it. It does not admit of argument. To state it is to answer it. Suppose Congress should incorporate a great East India Company within the District, on which they would confer a monopoly of all the valuable trade to that portion of the world. Will any man, with the pulse of liberty beating in his heart, contend that there is no legislative power to repeal this odious monopoly, they remunerating individuals for any losses which they might sustain? Suppose the Legislature of New York should charter a company with the exclusive privilege of trading in the wheat and flour produced in that great State. Would the Senator contend that a subsequent Legislature could not annul that law? To contend for such a doctrine would be to assert that a Legislature can destroy itself, and transfer all its sovereign delegated powers to corporations. He had as great a respect as any man for private contracts, and the inviolability of chartered rights held by private individuals; but he contended that the doctrine asserted by the Senator from Kentucky was subversive of civil liberty, and was as convenient a mode of changing our form of Government as had ever been desired by its worst enemy.

It would be an insult to the memory of the great man who lately presided over the Supreme Court, to assert that he had ever asserted such a doctrine. Now what was that opinion? After reading the remarks of Chief Justice Marshall, which preceded his conclusion, he said: Now, sir, comes the principle, which I read the other day: "*If the act of incorporation* (of

Dartmouth College) *be a grant of political power—if it create a civil institution, to be employed in the administration of the Government—if, &c. &c. the subject is one in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the Constitution of the United States.*" And why? Because the subject of the contract is a sovereign power of Government, and not a mere private right.

Now, sir, continued Mr. B., I think I have shown that the principle asserted by me is necessarily the law, and that if this institution is one "to be employed in the administration of the Government," nay, in the execution of some of its most important functions, it is subject to amendment, modification, or repeal; and those who invest their money in its stock, will do so with that understanding. In case of repeal, they will have to rely for indemnity on the justice of Congress, under all the circumstances of the case.

Suppose that this institution, instead of safely keeping the funds of the Government, should squander them; suppose that, instead of adding facilities to the operations of the Treasury Department, it should interpose insurmountable obstacles and impediments; suppose that, instead of creating a sound currency of uniform value, it should derange the currency and render it unsound and fluctuating in value: will honorable Senators contend that in any or all of these cases Congress could not interfere because of the inviolability of charters? To maintain such an absurdity is nothing more nor less than to maintain that Congress, in addition to the enumerated powers contained in the Constitution, shall have the power of transferring the exercise of any or all of these delegated powers to an incorporated company for half a century, by a law which is irrepealable. The sovereign powers of Government conferred upon Congress by the States of this Union, can never be delegated to corporations or individuals. The mistake is in considering these powers as if they were proper subjects of private contract.

Could the Congress irrevocably transfer the administration of the War Department to an incorporation for twenty years, to carry on war with the Indians, or with foreign powers; could it transfer the administration of the Navy Department, with the charge of our ships, and their armaments, to an incorporation by a law irrepealable for twenty years? Gentlemen would scarcely contend for such an absurdity. And were not the functions of

the Treasury Department as complex in their character, and as important to the nation as those of either of these Departments? The vaults of the Bank are declared by the bill to be the Treasury of the United States; and must our treasure remain there for ever under any circumstances, if Congress grant a perpetual charter to this institution? To maintain this proposition, would be to transfer the whole power of the Government from its regularly constituted authorities to incorporations.

Thank Providence, hope begins to beam upon us. From the moment that I heard the declaration made on this floor by high authority, that if there was any man in the United States who had been more strongly committed against a Bank of the United States than any other man, it was the present President, I have cherished the idea that, after all, the Senator from Kentucky would not be able to inflict this odious Bank upon the country.

I believe the gentlemen will yet be defeated, and that the defeat of this measure instead of being a misfortune, ought to be hailed as a day of jubilee throughout the land. If capital is unemployed—if commerce is languishing—if the business of the country has been arrested; it is all owing to this special session. The country only required a short season of repose, after the late Presidential conflict, to put forth all its energies. But politicians would not permit this. Agitation—agitation was required for their benefit; and this extra session must therefore be convened. Had Congress not met until December, ere this we should have seen the business of the country in a comparatively settled and flourishing condition.

He had intended to have made a reply upon the opening remark of the Senator's argument, but the subject was too grave for wit; and if the Senator could raise a laugh by repeating such a stale and worn out joke as that between the old maid and the French Minister, he could not envy either the taste of the Senator or his audience.

[July 13.] Mr. Wright having offered an amendment to prevent the bank from issuing bills during a suspension of specie payments—

Mr. Buchanan supported Mr. Wright's amendment. He asserted that the principal object of granting banking privileges, so far as the public were concerned, was to secure to the people, at all times, a paper currency convertible into specie. That the most effectual security which could be given to insure this, was to subject the Bank, at the time of its creation, to an irrevocable

decree that, upon a suspension of specie payments, it must cease to exist. Then the instinct of self-preservation would induce it to conduct its affairs in such a manner as to avoid self-destruction. This provision was not an untried experiment. It had succeeded admirably in preserving specie payments in New York. He contended that the provision in the charter authorizing Congress to pass future laws upon the subject, or authorizing a *scire facias* to issue by order of either House, would not produce the effect; because the Bank would believe that Congress would never act upon this power. They would indulge the Bank as all State Legislatures had done. The provision, to be effectual, must be a self operating provision, which would at once place the Bank in a state of liquidation after having suspended specie payments for sixty or ninety days. If this amendment should prevail, it would be an example for the States by which they could not fail to benefit. It would prevent combinations among the banks, such as that which had existed in Philadelphia, and resulted in a suspension of specie payments throughout more than half the Union. Each one must then stand upon its own independent footing, and act in such a manner as to save itself from destruction. Had not the sound banks of Philadelphia combined to save those that were unsound, this suspension would have been avoided. But these unsound banks had soon afterwards brought the sound ones to their own level.

[July 14.] Mr. Tappan then moved to amend the bill so as to add to the last section a proviso that nothing in the act should be considered as an admission that Congress has not the power to alter, modify, or repeal the charter.

Mr. T. took the ground that this was an inherent principle of legislative power. If a law was unconstitutional, it should be repealed—whenever injurious it should be repealed. In a very able and clear constitutional argument he illustrated the principles of his proposition.

Mr. Buchanan suggested to Mr. T. the propriety of withdrawing his amendment for the present. It was a very important one, and might be offered again after we had gone through the other amendments of minor importance. For his own part he was willing to vote for the amendment; but solely on the ground that this bill would be a transfer of sovereign powers of Government to a corporation, and therefore could be revoked by Congress whenever the public interest demanded it. In this respect it was wholly different from corporations of a private nature, in rela-

tion to subjects properly embraced by private contracts. He trusted his friend would withdraw his amendment for the present.

Mr. Tappan then withdrew it for the present.

[Mr. Clay of Alabama moved to amend the bill by providing that a suspension of specie payments should be held and adjudged *ipso facto* a forfeiture of the bank's charter.]

Mr. Buchanan hoped that his friends on that side of the House would not object to a modification of the amendment, which he trusted would meet the concurrence of all sides of the chamber. He proposed to modify it by declaring that a suspension of payment should be held and adjudged to be cause of forfeiture.

[The amendment as amended was agreed to without any dissenting votes. Mr. Clay of Alabama moved to amend the bill so as to prohibit the deposit of public moneys in the bank in case it failed or refused to discharge any of its duties in the collection, safekeeping, and disbursement of the public revenue, or to pay its notes in specie. A debate took place on this motion.]

Mr. Buchanan said he was as much opposed as the Senator from Kentucky was to piling Pelion upon Ossa, but the Senate had, by a unanimous vote, declared against the reception of the notes of the Bank while in a state of suspension, and why should we deposit the moneys of the Government in her vaults, when her notes were not received?

[Mr. Clay of Kentucky moved an amendment that, if a suspension of specie payments should take place during a recess of Congress, the Secretary of the Treasury should have power to make such temporary disposition of the funds as in his discretion might be deemed expedient. Mr. Clay of Alabama thought that this left too much to Executive discretion.]

Mr. Buchanan felt bound to say that in any provision that might be adopted, something would necessarily have to be left to the discretion of the Executive.

[July 17.] Mr. Buchanan had imagined this was a mistake, and that it would be corrected without difficulty. If it was not a mistake, would any Senator defend it? Did the majority intend to give the power to the Executive to issue, in addition to this loan of twelve millions, six or seven millions in Treasury notes? He would yield the floor most cheerfully for an explanation.

No one could demonstrate the necessity of raising more than six millions in addition to its present resources to enable the Treasury to carry on its operations for the year. It was an element of British liberty, and of liberty everywhere, that the

supplies are only provided for the current year, except for permanent appropriations, and beyond that the revenues are in the control of the Legislature. Now this bill conferred the privilege of borrowing, in addition to the twelve millions in the bill, six or seven millions more by the reissue of Treasury notes. For his own part, he preferred the form of a loan to Treasury notes, but he thought no Senator would contend for the justice or legality of reissuing six millions of notes, which this bill provides the means to redeem. He repeated, that he considered it a mistake, and hoped there would be no opposition to the amendment.

Mr. Evans thought that gentlemen were laboring under a great mistake. The Secretary had no power to reissue, except in the case of the notes which were received in payments for revenue.

Mr. Buchanan. That's what I mean.

Mr. Wright. Are they not redeemed?

Mr. Evans said it was not redemption in a technical sense. There were two modes of redemption—redeeming them when they were due in coin; and receiving them in payment of customs. The latter was not a redemption in its technical sense, and under the law of 1840, the Secretary had the power to reissue them. Under this Administration he hoped and expected that none of them would be reissued. There never could be more than five millions outstanding.

Mr. Wright. Did not the Senator say this morning there were ten?

Mr. Buchanan was glad to find that the Senator from Maine and himself agreed on this subject. He never imagined that when a Treasury note was paid off it could be reissued.

Mr. Woodbury said the Senators were both in error. It had been the practice, under the law of 1840, to reimburse such notes as in the words of the act "might be redeemed."

Mr. Evans asked if those which had been redeemed were reissued.

Mr. Woodbury said they were, if redeemed before they fell due.

Mr. Buchanan continued. His impression on this matter agreed with that of the Senator from Maine—that the Secretary had no power to reissue the Treasury notes which had been redeemed. Now what was the bill before us? It was an authority to borrow twelve millions of dollars; and in addition to this amount, which is shown to be twice as much as is necessary, there

is a power to reissue Treasury notes to the amount of six or seven millions more. Was that the intention of Senators? Would they not, if they were now drawing up the bill, prohibit it? And when the mistake is discovered, will they, on the plea of urgency, force the bill through, without correcting it? He considered the discretion proposed to be vested in the Executive, as of a most dangerous character, as he had no doubt if the Bank bill passed, every dollar of these Treasury notes would be paid in—the 5 per cent. loan running for fifteen years would be the favorite stock, and capitalists would make their investments in it.

Mr. Clay of Kentucky opposed the amendment, on the ground that it implied a want of honor and bad faith on the part of the President or the Secretary of the Treasury. But again, if the amendment were adopted, before the loan could be effected, Treasury notes might be poured in, and having no means to redeem them, the wheels of Government would be stopped; and this, though he was sure it was not intended, would be the effect of the Senator's amendment. At last it comes to this: confidence or no confidence. We have confidence in the Administration; the Senators on the other side have none. Then let them make their propositions, and let us vote them down.

Mr. Buchanan was sorry that the Chancellor of the Exchequer manifested so much excitability.

Mr. Clay of Kentucky. Not at all; not at all. I wish I had a more lady-like manner of expressing myself.

Mr. Buchanan. I am afraid the Senator will lose the proper intonation of his voice if he pitches it on so high a key.

Mr. Clay. Not unlikely, as you put my voice so often in requisition.

Mr. Buchanan continued. This question was not to be carried in a whirlwind, but to be discussed in a calm and quiet manner. The Senator says that gentlemen manifest a want of confidence. Was that a principle on which they were to discharge their constitutional duties in regard to the public money? As a Senator of a sovereign State he placed confidence in no Executive. The doctrine was exploded, and if it ever obtained in this country, our downward course would soon commence. The question is whether Congress will confer a great and important legislative discretion upon the Secretary of the Treasury, which, in his opinion, Congress should retain in its own hands, and he would give no vote with more pleasure than one against doing so.

Mr. Clay (in mellifluous tones) said he would modulate his voice to suit the delicate ear of the Senator from Pennsylvania. The Senator says he has no confidence, he would place no confidence in the Executive—that confidence was an unparliamentary word. Why, the old adage tells us there's honor among thieves, and there is no association of men but what place confidence in each other. The true principle of liberty was to limit and control, but still confide. Did not the Senator vote for every bill to issue Treasury notes? That showed some little confidence in the Executive. Did he not vote for the power of the President to borrow ten millions of dollars, and to raise forty thousand men, under certain contingencies? That showed some confidence in the discretion of the Executive. What was the objection to investing the present Executive with some small portion of authority and confidence? He (Mr. Clay) had never said that the Secretary should reissue notes paid for and redeemed; on the contrary, if such a course should be pursued by the Secretary, he should deem him worthy of impeachment.

Mr. Buchanan said he was very glad that he made the remark on the Senator's manner, as all would admit that it was greatly improved—being much more didactic, and much more financial, and this was a proof that a poor critic could sometimes improve a great author. But oh! for the glowing strains of eloquence with which the Senator from Kentucky had, but a short time since, denounced faith in the Executive, and which had warmed even his cold blood; but now there is a change in his opinion upon this subject, and he could not congratulate him upon it, when his own friends have got the power, and we are told there is honor among thieves—certainly not intending to apply it to his own friends.

[July 21.] Mr. Allen having moved to strike out corporations from among those authorized to take stock in the bank—

Mr. Buchanan said he did not rise to answer any one's objections to the amendment, but he would briefly state his own reasons for voting for it. The experience of his own State had been such that the Legislature had found it necessary to interfere, and prevent the local banks from purchasing stocks of corporate institutions, except to a very limited amount. He was far from thinking that this Bank would pay either six or seven per cent. on its stock. He would not hold out inducements to corporations to purchase stock that would desert them in the hour of

danger. For this cause, he would not only exclude local banks, but savings banks, and corporations for the education of youth.

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Mr. Buchanan said he had but a single remark to make in reply to the Senator from Kentucky. This was a matter of cautious deliberation—the creation of a corporation. By the bill itself, the Bank was prohibited from investing in State institutions, while State banks were allowed to hold capital in this. Here was an inconsistency. The subscription of stock in this Bank, by state corporations, disabled them, to the amount subscribed, from exercising their full powers. Ought they then to hold out full inducements to all banks of the United States to take capital here? That was the question. He had voted for no amendment of this charter that he did not believe would be essentially beneficial to it, and on that ground he should give his vote for this.

[The amendment was then rejected, by the following vote: yeas, 21; nays, 25; Mr. Buchanan voting in the affirmative.]

Mr. Buchanan offered an amendment to the 18th fundamental rule, providing that the Bank should not discount, &c. when the notes in circulation and the *private deposits* exceeded three times the amount of specie in its vaults.

As he was anxious to have the bill taken out of committee this evening, he should be very brief. There was not one efficient restriction in this bill, such as banking experience would have dictated. The capital should be one to three, not only of the circulation, but also of the deposits—which in this Bank would be much greater than the circulation.

Mr. Clay of Kentucky said he was surprised that the Senator had said the Bank was without restriction. The number of restrictions in the bill the Senator had never conceived of. There were more restrictions in this bill than in any existing bank he knew of. With regard to the amendment, its creditor and debtor circulation were already restricted. How could they regulate the circulation by this daily and hourly fluctuation of deposits? How could it be known, when a note was to be issued, how much deposits were in the branches? He hoped the amendment would not be adopted, and that Senators would cease shingling the bill with amendments.

Mr. Buchanan would not vote for any bank charter in his own State, whose capital was not to be in proportion to its circula-

tion and deposits. This was the touchstone of banking, and without which specie payments could not be continued. He declared again that there was no efficient restriction in this bill.

[The amendment was rejected, by a vote of 22 yeas to 26 nays, Mr. Buchanan voting in the affirmative.]

Mr. Buchanan then would move to make the proportion of one to four.

Mr. Benton appealed to him not to undertake any further to lessen the restriction. In England one-third was the least proportion estimated safe, and he contended this was the least that should be made. He would throw the responsibility on the friends of the bill, and as he knew the proposition, if made, would be lost, he did not wish their votes recorded as agreeing to any less restrictions.

Mr. Buchanan said a proportion of one to four or five was better than none, but as his friend differed with him, he would not press it, as he wanted to keep their little band united.

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